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Date: January 8, 2013
To: Planning Commission
From: Comprehensive Planning Committee
Subject: **Industrial Zoning Study Public Hearing Testimony and Recommendations**

Public Hearing.

On June 1, 2012, the Planning Commission held a public hearing on draft Zoning Code amendments pertaining to industrial districts and regulations, including the following:

1. Amendments to the industrial use list to support the primary intent and purposes of industrial districts for employment and economic activities, adding uses to reflect Planning Commission determinations of similar use in recent years, and providing better cross-references to specific land use definitions and development standards in Chapter 65.
2. Tighter standards for residential uses in industrial districts to provide greater protection for primary commercial and industrial functions and uses in these districts, while also providing for mixed residential uses of upper floors.
3. Eliminating the I3 Restricted Industrial District and incorporating its uses into the I2 General Industrial District as conditional uses, along with additional standards and conditions for these uses to meet the intent of these districts and to protect the public health, safety and welfare.
4. Renaming and amending the intent language for the IT Transitional Industrial District (currently IR Light Industrial Restricted District) to better reflect how this district is used and distinguish it from the other industrial districts, and amending the industrial district abbreviations to provide a logical sequence and avoid confusion.
5. Amendments to Chapter 65 to provide standards for uses being incorporated into the General Industrial District and based on Planning Commission determinations of similar use in recent years, and providing consistent language for separation requirements for industrial uses.
6. Amendments to required conditions in industrial districts, including providing design standards specifically tailored to the IT Transitional Industrial District (there is now simply a reference to some traditional neighborhood district design standards), and adding some basic design standards for the I1 Light Industrial and I2 General Industrial Districts.

19 people spoke at the public hearing and 16 letters were received.

Public Hearing Testimony and Recommendations.

1. Amendments to Table 66.521. Principal Uses in Industrial Districts.

1.1 Background.

Policy 2.22 in the Land Use chapter of the *Saint Paul Comprehensive Plan* is to “revise the list of principal uses permitted in industrial districts to ensure compatibility with the primary industrial function of the district for the purpose of protecting the employment base.”

1.2 Public hearing draft amendments.

Draft amendments to Table 66.521, Principal Uses in Industrial Districts, considered at the June 1, 2012, Planning Commission public hearing included deleting churches, grades K-12 schools, theaters and assembly halls from the list of uses permitted in industrial districts.

1.3 Testimony.

There was general agreement on the goal of protecting industrial functions and employment in industrial districts, but a range of testimony about how to achieve it. There was some testimony in support of the draft amendments for greater restriction on uses permitted in industrial districts. There was also some testimony that the amendments don't go far enough, and that residential uses should be entirely prohibited in industrial districts. Most of the testimony was that the proposed amendments are too restrictive, and that churches, schools, theaters, assembly halls, and residential uses can be supportive of and compatible with industrial functions and employment in industrial districts.

The Midway and Saint Paul Area Chambers of Commerce said they appreciate the focus on maintaining industrial property and support for jobs, tax base and economic growth that industrial property provides. The Midway Chamber and the District 6 Planning Council generally agreed with the proposed use changes to protect the employment base.

The District 6 Planning Council said that above all industrial districts need to be used for economic purposes, and that industrial sites and character and the employment base of industrial districts need to be protected. They said they feel that industrial sites should not be used for any residential uses, but rather should stay industrial and thereby raise the tax base.

Ramsey County Commissioner Rettman said she believes residential uses should be prohibited in industrial zones, which should be used for jobs and higher tax capacity.

The St. Anthony Park Community Council/District 12 said that prohibiting residential uses in industrial districts would unreasonably limit the ability of people to rationally choose where they want to live, and that mixed use development in industrial districts where artists and others can live in or near the building where they work adds vibrancy and interest in industrial districts that serves both residential and industrial uses.

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Catherine Reid Day, South Saint Anthony Park Creative Enterprise Zone, said narrowing and restricting the mix of uses allowed in industrial districts as proposed would negatively affect community goals for attracting more industry and jobs along with other activities that make

the area a community. Businesses have told them they would not be interested in locating in the area if the mix of uses allowed is narrowed and restricted as proposed. She said that removing activities such as theaters, schools and live/work housing, and trying to predict the kinds of industries that will flourish in the future, might make it more difficult to respond to economic, technological, and demand changes and innovation, and to attract new and innovative business and industry to the area.

The deletion of churches and schools as permitted uses in industrial districts generated the most testimony in opposition at the public hearing. District 6 specifically said they support the elimination of churches and schools from the list of uses permitted in industrial districts. The District 1 Community Council said concerns about churches, schools, and residential uses can be addressed through conditional use permits, which provide for case-by-case consideration in the context of a particular area.

Attorneys from Fagre Baker Daniels said that deleting churches from the list of uses permitted in industrial districts where nonreligious assemblies and institutions (such as clubs, fraternal organizations, lodge halls, museums, funeral homes and reception halls) are allowed would violate the federal Religious Land Use and Institutional Persons Act (RLUIPA).

The St. Anthony Park Community Council/District 12 and others opposed deleting schools and churches from the list of uses permitted in industrial districts, noting that it is challenging for churches and schools to find an appropriate site. With limited options, buildings and sites in industrial areas may be most ideal. Further constraining permitted uses in industrial districts, including not allowing churches and schools, could create higher vacancy rates and be bad economic policy. Churches and schools can have impact on surrounding property that can make them problematic and difficult to locate in residential areas.

Tate Danielson Castillo, Frogtown Neighborhood Association/District 7 agreed with the District 12 comments and said they are excited that Piercing Faith Church has purchased land and is planning to build a new church in an industrial district in their neighborhood.

Pastors from Piercing Faith Church, the Living Word Church and others noted the broad, holistic investment in human capital that churches and schools bring to communities (social services, training, etc.). They serve the whole community, not just residents on Sunday, and are supportive of and compatible with business, industry and employment. A pastor at the Living Word Church said they provide a day care facility and work well with their industrial neighbors including American Paper, that they lease space to American Paper and a trucking company, and they all get along just fine. .

An architect working for Piercing Faith Church said there are limited options to grow or establish a church or school in built up residential areas. Many churches serve an ethnic or denominational group that draws from the metropolitan area, and they are looking for central locations with capacity and parking to serve large groups.

Robert Straughn, a commercial real estate attorney, said industrial properties are often the best facilities for new churches and schools in a built-up city. He noted an 800 seat church in a wing of a large warehouse facility for over 20 years, with adequate parking for worshipers on Sundays and warehouse activities during the week, as a good example of the type of flexible, mixed use arrangement that should be encouraged in built-up cities like Saint Paul.

Chad Blihovde and Mark Krog, Java Properties, talked about a mixed-use development they are working on that would include industry, technology companies, and a theater that would efficiently use parking on evenings and weekends that is used by other businesses during weekdays. The companies will employ a lot of people and like locations with a mix of uses. They noted the synergy of high schools in industrial areas working with and providing training for such things as technology and robotics skills needed by industry in the area. They are concerned that the draft amendments to limit schools and theaters in industrial districts would hurt the kind of creative mixed-use development they are working on.

Kevin Ward, a Hamline-Midway resident who works at Avalon School, said deleting grades K-12 schools from the list of uses permitted in industrial districts would make it even more difficult for a school to find an appropriate transit accessible building, and would hurt schools like High School for the Recording Arts that may want to expand.

Kurt Schreck, At Last! Gourmet Foods, wrote that they are exploring locations for a new plant, and want a location in a mixed-use industrial district with a diversity of light industrial, residential, institutional, commercial retail and business office uses that helps create lively, vibrant, flexible districts that many residents and businesses find productive and attractive. Saint Paul industrial districts should provide for this. There are plenty of "homogenized" industrial zones in the metro area.

1.4 Analysis.

The testimony provides a compelling case that churches, schools, theaters, assembly halls, and residential uses can be supportive of and compatible with industrial functions and employment in the IT (now IR), I1 and I2 industrial districts.

Deleting churches from the list of uses permitted in industrial districts where nonreligious institutions and places of assembly are allowed would violate the federal Religious Land Use and Institutional Persons Act (RLUIPA). There are currently two churches in the I1 Light Industrial District, nine K-12 schools in the I1 district, and one school in the I2 General Industrial District.

The zoning code, as typical in most cities, has always allowed residential uses in industrial districts. Since 1975 the St. Paul code has limited residential uses in industrial districts to mixed residential-commercial uses and congregate residential facilities. Review of standards and conditions for congregate living facilities and where they should be permitted is being done as part of the current comprehensive congregate living zoning study so that what is permitted in industrial districts is coordinated with what is permitted in other districts to adequately provide for congregate living facilities in the city.

There is increased interest on the part of incubator business owners, web designers, architects, artists and others to live in or near the building in which they work. As noted by District 12, mixed-use residential buildings in industrial areas are constructed with an understanding of the industrial uses there. Businesses and residents make rational choices to locate and live in such buildings and areas because they find it productive and attractive, and the mix of uses helps create lively, vibrant, flexible districts with a sense of community.

Key to allowing limited residential uses while protecting industrial functions and employment in industrial districts is to ensure that residential uses don't displace business, industry and employment from first floor space. Allowing mixed residential uses of upper floors while ensuring employment generating uses on the first floor provides for efficient use of land and enhanced property values and tax base, goals identified in the Comprehensive Plan.

Also key is to avoid displacing industrial uses because of separation requirements from residential uses in industrial districts. Separation requirements for industrial uses can be from residential and traditional neighborhood *districts*, for example, rather than from residential *uses*. As District 12 noted, residents make rational choices to live in industrial districts, with an understanding of the industrial uses there.

Guidelines for zoning ordinances published by the American Planning Association recommend against too much reliance on conditional use permits. Requirements for conditional use permits should be reserved for infrequent and "unique uses that defy regulation by objective standards." "Most land uses should be as-of-right, subject to compliance with clear and objective standards and criteria for that particular use category or zoning district." Overuse of conditional use permits, "especially without (or with few) standards or criteria, opens up both individual zoning decisions and the zoning ordinance itself to constitutional challenges as being arbitrary and capricious. Even where such a challenge would not necessarily succeed, the uncertainty to landowners and citizens alike created by discretionary and/or standardless zoning review should be avoided."

The uncertainty created by discretionary conditional use permit review for limited residential uses, churches, schools, theaters, and similar institutions and places of assembly is unnecessary in the I1 Light Industrial District. Such uses are not uncommon in the I1 district, have always been allowed in the I1 district, and are compatible with the types of uses permitted in the I1 district, which have limited external effects. Location of such uses in the I1 Light Industrial District does not defy regulation by objective standards.

Adding a conditional use permit requirement for limited residential uses, churches, schools, theaters, and similar institutions and places of assembly in the I2 General Industrial District, where these uses are infrequent and some permitted uses can have greater external effects that could be incompatible with such uses, may be useful to ensure the public health, safety and welfare, orderly development, conformance with subarea plans, and compatibility with nearby industrial uses. The conditional use permit process provides for case-by-case consideration of a proposed use, and the imposition of special conditions for the use, in context of the unique characteristics of an I2 district, the specific site, and plans for the area.

1.5 Recommendation.

Continue to include churches, schools, theaters, assembly halls, and certain limited residential uses in the list of uses in Table 66.521, Principal Uses in Industrial Districts, as they are currently permitted in the IT (currently IR) and I1 districts. Add a conditional use permit requirement for mixed residential and commercial use, churches, schools, theaters, and similar institutions and places of assembly in the I2 General Industrial District. Avoid separation requirements for industrial uses from residential uses in industrial districts.

2. Amendments to § 65.143 Standards for Residential Uses in Industrial Districts.

2.1 Background.

Policy 2.21 in the Land Use chapter of the *Saint Paul Comprehensive Plan* is to “prepare regulations for conditional use review of specified uses (to be identified in a study of principal uses permitted in industrial districts) for the purposes of ensuring compatibility of non-industrial uses with the primary industrial function of the district and of protecting the employment base.”

2.2 Public hearing draft amendment.

The draft amendments considered at the June 1, 2012, Planning Commission public hearing included amendments to § 65.143, *Mixed residential and commercial use*, that would require a conditional use permit for mixed residential and commercial use with more than 6 dwelling units in the I1 Light Industrial and I2 General Industrial Districts, and not allow dwelling units in the basement or first floor of buildings in these districts, to provide greater protection for primary commercial and industrial functions and uses in these districts.

2.3 Testimony.

The Port Authority appreciated the added restriction on residential use. Ramsey County Commissioner Rettman and the District 6 Community Council said they think residential uses should be prohibited in industrial districts.

District 12, South Saint Anthony Park Creative Enterprise Zone, and others noted above opposed the draft amendments to further narrow and restrict residential uses in industrial districts. They testified about the importance of a broad mix of uses, including residential uses, to create community and the kind of lively, vibrant, flexible industrial districts that many residents, artists, incubator business owners, and innovative business and industry find productive and attractive, and that zoning regulations for industrial districts should be designed to welcome and encourage.

2.4 Analysis.

The draft added restrictions in § 65.143(b) that would not allow dwelling units in the basement or first floor of buildings in the I1 Light Industrial and I2 General Industrial Districts, and require at least 80% of the first floor of buildings in these districts to be devoted to a principal uses other than residential uses, are to ensure that residential uses don't displace business, industry and employment from first floor space, thus protecting the employment base. Allowing mixed residential uses of upper floors while ensuring employment generating uses on the first floor provides for efficient use of land and enhances property values, goals identified in the Comprehensive Plan. It also provides for the mix of uses including residential uses supported in testimony by District 12, the Raymond Creative Enterprise Zone, and others to help create lively, vibrant, flexible industrial districts with a sense of community, in response to the increased interest of residents and businesses in such industrial districts resulting from economic, technological, and demand changes and innovation.

The uncertainty created by discretionary conditional use permit review for mixed residential and commercial uses is unnecessary in the I1 Light Industrial District, where permitted uses

have limited external effects and are therefore more compatible with residential uses. Permitting mixed residential and commercial uses in the I1 district, subject to the draft clear and objective standards limiting residential use of the basement and first floor of buildings for consistency with the Comprehensive Plan policy to protect the employment base, would be more welcoming and encouraging of such mixed use as called for by the South St. Anthony Park Creative Enterprise Zone. As noted by District 12, mixed-use residential buildings in industrial areas are constructed with an understanding of nearby industrial uses. Businesses and residents make rational choices to locate and live in such buildings and areas because they find it productive and attractive. Requirements for conditional use permits should be reserved for unique uses that defy regulation by objective standards, which is not the case for mixed residential and commercial uses in the I1 district.

Adding a conditional use permit requirement for mixed residential and commercial use with more than 6 dwelling units in the I2 General Industrial District, where some permitted uses can have greater external effects that could be incompatible with larger residential use, may be useful to ensure compatibility with nearby industrial uses while not discouraging smaller-scale residential use by artists, entrepreneurs, and others interested in living in or near the building in which they work.

2.5 Recommendation.

Revise the draft amendments to § 65.143, *Mixed residential and commercial use*, to apply the addition of a requirement for a conditional use permit for mixed residential and commercial use with more than 6 dwelling units only to the I2 General Industrial District.

3. Elimination of the I3 Restricted Industrial District.

3.1 Background.

There are only two I3 parcels in the city (an 8 acre tank farm on James Ave. at Shepard Road and a 16 acre tank farm on Red Rock Road) and only 4 uses permitted only in the I3 district. The industrial zoning study suggests that one of the 4 uses, rendering plants, no longer needs to be listed in the industrial use table. It suggests that the other 3 uses (petroleum and gasoline tank farm; concrete, asphalt and rock crushing facility; and infectious waste incinerator) could be consistent with the intent and purpose of the I2 General Industrial District as conditional uses with appropriate standards and conditions including a distance requirement from non-industrial zoning districts to meet the intent of the I3 district to provide an industrial district buffer between these uses and non-industrial districts.

3.2 Public hearing draft amendment.

The draft amendments considered at the June 1, 2012, public hearing include simplification of the Zoning Code through elimination of the I3 Restricted Industrial District, and incorporating three I3 uses (petroleum and gasoline tank farm; concrete, asphalt and rock crushing facility; and infectious waste incinerator) into the I2 General Industrial District as conditional uses, with appropriate standards and conditions including a 300 foot distance requirement from non-industrial zoning districts, to ensure that the extent, location and intensity of these uses would comply with the *Saint Paul Comprehensive Plan* and any applicable subarea plan, to

ensure that the use would not be detrimental to the existing character of development in the area, and to protect the public health, safety and general welfare.

3.3 Testimony.

There was a lot of testimony against this change at the June 1, 2012, Planning Commission public hearing, from district councils (1, 2, 6, 7 and 12) and Brown & Bigelow. They expressed concern that providing for conditional use permits in the I2 district for 3 uses currently permitted solely in the I3 district may be inadequate to protect nearby property. Ramsey County Commissioner Rettman said the distance requirement should be 660 feet rather than 300 feet, from residential *uses* rather than from non-industrial zoning districts.

3.4 Analysis.

Ensuring that the three I3 uses the draft amendments incorporate into the I2 General Industrial District would comply with the *Comprehensive Plan*, and protect the public health, safety, general welfare, and character of existing development, can be done by restricting them to the I3 district or by a conditional use permit process. Both are reasonable and effective options. The Minneapolis zoning code, for example, does not have a “heavy” industrial district equivalent to the I3 Restricted Industrial District, and these uses are provided for in their General Industrial District.

Before the Planning Commission may grant approval of a conditional use permit, the commission must make all of the following required findings:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If any of the required findings can not be made, or if any one of the specific standards and conditions for the particular conditional use in Chapter 65 is not met, then the Planning Commission must deny the conditional use permit. This provides for protection of adjacent uses and the public health, safety and general welfare.

Given that the three I3 uses the draft amendments prepared for the public hearing incorporated into the I2 General Industrial District can be effectively regulated by restricting them to the I3 district or by a conditional use permit process, and given that several district councils and an industrial property owner expressed concern that regulating them through a conditional use permit process may be inadequate, it may be best to retain the I3 district and continue to restrict these uses to the I3 district.

“Heavy industrial” is a more commonly used term to describe the I3 district and the types of uses permitted in the I3 district than *“restricted industrial.”* It might avoid confusion with the way the term *restricted* has been used to describe the I1 Light Industrial *Restricted* District to change the name of the I3 district from *“I3 Restricted Industrial District”* to *“I3 Heavy Industrial District.”*

3.5 Recommendation.

Retain the I3 district (currently I3 Restricted Industrial District) as the I3 Heavy Industrial District. Continue to permit the uses currently permitted only in the I3 district as they are currently permitted only in the I3 district, and do not incorporate them into the I2 General Industrial District.

4. Dimensional, Density and Design Standards.

4.1 Background.

Policy 2.23 in the Land Use chapter of the *Saint Paul Comprehensive Plan* is to “establish site plan review standards for the I1, I2, and I3 districts for the purposes of providing for the efficient use of land and enhancing the aesthetic quality of the district.”

4.2 Public hearing draft amendment.

The draft amendments considered at the June 1, 2012, Planning Commission public hearing include amendments to required conditions in industrial districts, including providing design standards specifically tailored to the IT Transitional Industrial District (there is now simply a reference to some traditional neighborhood district design standards), and adding some basic design standards for the I1 Light Industrial and I2 General Industrial Districts.

4.3a Testimony on floor area ratio (FAR), height and job density standards.

Brian McMahon, University United, suggested removing FAR and height limits from industrial districts, and perhaps adding minimum job density requirements, to increase job density and thus improve the employment base and tax base as called for in the Comprehensive Plan.

4.3b Analysis.

The industrial district height limits are needed to ensure adequate light and air to adjacent property and compatibility with nearby uses. The existing 50 foot I1 height limit and 75 foot I2 height limit, along with the existing provision to allow greater height provided the structure is set back from all exterior property lines equal to the additional height, reasonably provide for increasing job density and thus improving the employment base and tax base as called for in the Comprehensive Plan. Changing the IT Transitional Industrial District height limit from 3 stories/30 feet to 35 feet would be more consistent with the height of a 3 story commercial or industrial building. It would also be consistent with the 35 foot height limit in the T1 and T2 districts, which are designed to permit and be compatible with one-family homes. The IT district is intended to be compatible with nearby residential and traditional neighborhood districts.

With a 35 foot height limit, the 3 story height limit in the IT district is unnecessary. The traditional neighborhood districts and the other industrial districts do not limit the number of stories, but rather only limit the height in feet.

With height limits to ensure adequate light and air to adjacent property and compatibility with nearby uses the floor area ratio (FAR) limits in industrial districts are unnecessary, and could artificially limit the job density, employment, tax base and land use efficiency called for in the Comprehensive Plan.

Many businesses that have relatively low job density may nonetheless be important parts of the industrial mix of uses in St. Paul, and provide important services and products for businesses with higher job density and the economy as a whole. Adding a minimum job density requirement could hurt such businesses and lead to a less optimal mix of businesses and services in the city. The economy, market forces, and other factors that affect business location and the potential for job creation are too complex to try to regulate through minimum job requirements in the zoning code. It's generally better left to the market. The key for the zoning code is not to artificially limit job density through such things as FAR limits. Where the market exists for higher job density the value of land is likely to be greater for businesses with higher job density and land use will therefore shift toward these businesses. At locations where a market does not exist for higher job density it would be pointless to require it. Enforcement of job density requirements in a zoning code would be time consuming and problematic at best.

4.4a Testimony on design standards.

The District 1 and District 2 community councils support the proposal to create design standards for industrial districts. The St. Anthony Park Community Council/District 12 generally supports the draft design standards except for specific language in the design standards providing zoning administrator discretion to permit up to two rows of parking between a building and the street. Rather than some options for "holding the corner" in design standard (1), they encourage requiring industrial buildings to be closer to the sidewalk. They also encourage adding precast concrete panels to the list of unacceptable materials, and requiring a variety of materials to articulate the building.

The District 6 Planning Council supports some design standards for industrial districts as long as they aren't cost prohibitive and don't make it difficult to attract new businesses to St. Paul. The Union Park District Council encourages pedestrian-friendly amenities (sidewalks, streetscaping and pedestrian access) in industrial districts, especially in the IT Transitional Industrial District.

The Midway and Saint Paul Area Chambers of Commerce and the Port Authority generally support the draft design standards for the IT Transitional Industrial District, which is specifically intended to be compatible with nearby residential and traditional neighborhood districts. They oppose the draft design standards for the I2 General Industrial District, and oppose most of the draft design standards for the I1 Light Industrial District. They noted the importance of industrial and manufacturing development for creating good jobs, reducing poverty, increasing employment, and improving St. Paul's tax base. They expressed concern about the effect the draft design standards would have on attracting new industrial

development and jobs. While aesthetic concerns are important, especially in commercial and residential districts, they argued that the need for industrial development, jobs and tax base is more important in I1 and I2 districts.

The Midway Chamber of Commerce and the Port Authority cited comments from industrial brokers and developers about the draft design standards. There is a very small margin in the cost of constructing industrial buildings. It is very cost sensitive and competitive with other cities. The draft standards won't work for manufacturers essentially needing a building that is a shell around their process and fits their process. The draft design standards would result in St. Paul losing business growth and jobs to other locations.

The Port Authority cited a recent Brookings Institution study concluding that it's important for cities to retain and recruit manufacturing jobs to central locations, and not to zone manufacturing out of the city.

The Midway Chamber said that design standards (1) *buildings anchor the corner* and (5) *parking location and design* should only apply to the IT district, and not to the I1 and I2 districts, because contemporary industrial development in I1-I2 districts demands flexibility in the design of parking and circulation.

The Port Authority said they would support draft design standards (4) *door and window openings*, (6) *landscaping and street trees*, and (7) *sidewalks* for the I1 Light Industrial District. They do not support design standards (2) *building facade articulation* and (3) *materials and detailing* for the I1 Light Industrial District.

4.4b Analysis.

The new Baldinger Bakery in the IT (now IR) Transitional Industrial District along Phalen Boulevard is an example of a business needing a building that is a shell around their process, with parking and circulation around the building that fits the building and process. This can substantially limit options for parking location and design, a situation that draft design standard (5) *parking location and design* reasonably provides for. The District 12 recommendation to eliminate the flexibility in standard (5) for the zoning administrator to permit up to two rows of parking spaces between the principal building and a street in such cases would discourage such businesses from locating in the district.

Further limiting options for development to "hold the corner," and for building materials and facade articulation, would have similar impact. While there has been concern about unappealing use of precast concrete panels, they are a standard and economical industrial building material, and there are many examples of effective use of them in visually appealing industrial buildings. Standard (2) *building facade articulation*, is intended to help ensure that new industrial buildings are visually appealing.

Draft design standards (4) *door and window openings*, (6) *landscaping and street trees*, and (7) *sidewalks*, which are supported by the Port Authority for the I1 Light Industrial District, are the standards most relevant to this district. The design standards are not as relevant in the I2 General Industrial District, which is generally separated from residential and pedestrian-oriented commercial areas. There was credible testimony that the additional draft design standards for these districts could harm ability to attract the kind of new industrial

development and manufacturing jobs that are important for reducing poverty, increasing employment and improving St. Paul's tax base, counter to comprehensive plan goals to protect and improve the city industrial, employment and tax base.

4.5 Recommendation.

Remove the floor area ratio (FAR) limits from Table 66.531, Industrial District Dimensional Standards, and remove the 3 story height limit for the IT Transitional Industrial District. Change the IT Transitional Industrial District height limit from 3 stories/30 feet to 35 feet. Revise draft new § 66.543, *I1 Light industrial design standards*, to subject development in the I1 district only to draft design standards (4) *door and window openings*, (6) *landscaping and street trees*, and (7) *sidewalks*, not to design standards (2) *building facade articulation* and (3) *materials and detailing*. Delete draft new § 66.544, *I2 general industrial district design standards*.

Committee Recommendation for Action

In response to *Saint Paul Comprehensive Plan* policies and Leg. Code § 61.801 requirements for periodic review of the zoning code, to reflect current city policies, to address current technology and market conditions, to bring the zoning code up-to-date, and based on the public hearing testimony and analysis summarized above, the Comprehensive Planning Committee recommends that the Planning Commission forward this report and the following draft zoning code amendments pertaining to industrial districts and regulation of industrial uses to the Mayor and City Council with a recommendation for adoption.

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining. [Drafting notes are included in brackets.]

Chapter 60. Zoning Code – General Provisions and Definitions; Zoning Districts and Maps Generally

Sec. 60.301. Zoning Districts established.

- (d) Industrial districts.
 - ITR transitional ~~river corridor~~ industrial district
 - I1 light industrial district
 - I2 general industrial district
 - I3 heavy ~~restricted~~ industrial district

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Sec. 60.307. More restrictive or less restrictive districts.

When the code refers to more restrictive districts or less restrictive districts, the districts in order from more to less restrictive are: CV, CO, RL, R1, R2, R3, R4, RT1, RT2, RM1, RM2, RM3, T1, OS, B1, BC, T2, B2, T3, B3, T4, B4, B5, ITR ~~IR~~, I1, I2, I3. The VP district shall be as restrictive as the district for which the VP district provides accessory parking.

[Amended to correspond to change to § 66.500, Industrial Districts.]

Chapter 62. Zoning Code – Nonconforming Lots, Uses and Structures

Sec. 62.106. Nonconforming uses of structures, or structures and land in combination.

- (q) Existing municipal yard waste sites that are legally nonconforming in the ITR transitional ~~light industrial restricted~~ districts may expand as a conditional use under the provision of sections 61.501-61.504 and section 65.331 even though new municipal yard waste sites are not permitted in the ITR transitional ~~light industrial restricted~~ districts.

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Chapter 63. Zoning Code – Regulations of General Applicability

Sec. 63.113. Reserved ~~Outdoor storage near residential districts and uses.~~

~~In reviewing the site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential district or of a park parkway, or major thoroughfare, provided that:~~

- ~~(a) A visual screen, a minimum of six (6) feet in height, is placed between the outdoor storage and such residential district or use;~~
- ~~(b) The zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent areas; and~~
- ~~(c) The zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments.~~

[Moved to § 66.541, Required conditions in the IT-I3 industrial districts, para. (a) *Outdoor storage*, which is what it applies to, for simplicity and clarity.]

Chapter 64. Zoning Code – Signs

Sec. 64.504. B2-B3 and ITR industrial districts.

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Chapter 65. Zoning Code – Land Use Definitions and Development Standards

Sec. 65.143. Mixed residential and commercial use.

Standards and conditions in B1-B3 business and ~~I1-I2~~ industrial districts:

- (a) In B1-B3 business and IT industrial districts, dwelling units shall be limited to not more than fifty (50) percent of the basement and first floor and fifty (50) percent of a basement. The entire upper floors may be used for residential use. At least fifty (50) percent of the basement and first floor shall be devoted to a principal uses permitted in this the district, other than residential uses.
- (b) In I1-I2 industrial districts, dwelling units shall not be located in the basement or first floor and at least eighty (80) percent of the first floor shall be devoted to principal uses permitted in the district, other than residential uses. In the I2 district, a conditional use permit is required for a mixed residential and commercial use with more than six (6) dwelling units.

[The Zoning Code in Saint Paul (as in many other cities) has always allowed residential uses in industrial zones. Since 1975 it has been limited to this provision for mixed residential and commercial uses, and some congregate residential facilities. The amendment restricts residential use a bit more in the I1-I2 industrial districts in order to provide greater protection for primary commercial and industrial uses in these districts, while also providing for reasonable mixed residential uses on upper floors. The amendment also makes it clear that in B1-B3 and IT districts the limit on residential use of first floor and basement space applies to each separately.]

For I1-I2 industrial districts, the amendment prohibits dwelling units in the basement or first floor, but would allow residential parking in a basement. For I2, this use would be changed from “P” to “P/C” in Table 66.521, Principal Uses in Industrial Districts, with a conditional use permit requirement for more than 6 dwelling units while not discouraging smaller-scale residential use by artists, entrepreneurs and others who find it productive and attractive to live in or near the building in which they work. A key finding for a conditional use permit is that “the extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any subarea plans which were approved by the city council.” The comprehensive plan and subarea plans may provide guidance about how much this use should be limited in a particular area.]

Sec. 65.645. Reserved Outdoor (drive-in) theater.

Standards and conditions:

- (a) ~~The proposed internal design shall receive approval from the city engineer as to the adequacy of drainage, lighting and other technical aspects.~~
- (b) ~~Outdoor theaters shall abut directly upon a major thoroughfare, with ingress and egress available only from said major thoroughfare.~~
- (c) ~~There shall be off-street stacking space for no less than fifty (50) automobiles waiting to enter the facility.~~
- (d) ~~The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent thoroughfares.~~

[This use deleted from the industrial districts use table.]

Sec. 65.701. Auto body shop.

Standards and conditions:

In the ~~ITR transitional~~ light industrial ~~restricted~~ district this use shall be limited to . . .

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Sec. 65.703. Auto service station.

Additional standards and conditions in traditional neighborhood and ~~ITR~~ industrial districts:

- (h) In the T2 traditional neighborhood and ~~ITR transitional~~ light industrial ~~restricted~~ districts this use shall be limited to parcels within one-quarter ($\frac{1}{4}$) mile of University Avenue.

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Sec. 65.705. Auto repair station.

- (e) In the ~~ITR transitional~~ light industrial ~~restricted~~ district this use shall be limited to . . .

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Sec. 65.706. Auto sales and rental, outdoor.

- (d) Except in the ~~ITR transitional~~ light industrial ~~restricted~~ district, the . . .

- (e) In the ~~ITR transitional~~ light industrial ~~restricted~~ district this use shall be limited to parcels within one-quarter ($\frac{1}{4}$) mile of University Avenue, limited to . . .

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Sec. 65.731. Parking facility, commercial.

Standards and conditions in traditional neighborhood and ~~ITR~~ industrial districts:

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Sec. 65.753. Helistop.

- (a) In business districts and the ~~ITR transitional~~ river-corridor industrial district . . .

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Sec. 65.811. General industrial.

- (a) Production, processing, . . . except those uses specifically first allowed as permitted uses in the I3 heavy ~~restricted~~ industrial district;

[Amended to correspond to changes to § 66.500, Industrial Districts.]

Sec. 65.812. General outdoor processing.

Standards and conditions:

- (a) Outdoor servicing, processing, manufacturing or the storage of materials used in these operations shall be ~~no closer than~~ at least three hundred (300) feet from a residential or traditional neighborhood district boundary to a property occupied with a one-, two-, or multiple-family dwelling.

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the Minneapolis zoning standard that *outdoor production or processing* in their General Industrial District “shall be located at least 300 feet from a residence or office residence district boundary.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

Sec. 65.822. Cement, asphalt cement, and asphalt manufacturing.

Standards and conditions:

- (a) All cement (including Portland cement), asphalt cement and asphalt processing and storage shall be ~~located~~ at least three hundred (300) feet from a residentially or traditional neighborhood district boundary zoned property or property occupied by a residential use.

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the separation requirement for *general outdoor processing* and with the Minneapolis zoning standard under which this use is regulated that *outdoor production or processing* in their General Industrial District “shall be located at least 300 feet from a residence or office residence district boundary.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

Sec. 65.823. Concrete, asphalt and rock crushing facility, outdoor.

A facility for outdoor crushing, grinding, compacting sorting and recycling of concrete, asphalt, rock, or other similar paving or building materials generated off-site.

[Outdoor processing of recyclable materials, except for concrete, asphalt and rock, is covered by §§ 65.844, *Recycling processing center*, and 65.846, *Recycling processing center, outdoor*, of the Zoning Code. Pre-2004 code language simply subjected crushing of concrete, asphalt and rock “to the conditions for uses which service, process or manufacture outside a completely enclosed building,” the basis for the current code language.]

Standards and conditions:

- (a) All concrete, asphalt and rock processing and storage shall be located at least three hundred (300) feet from a residential or traditional neighborhood district boundary ~~residentially zoned property or property occupied by a residential use.~~

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the separation requirements for *general outdoor processing, cement, asphalt cement, and asphalt manufacturing, outdoor recycling processing center, and solid waste compost facility*, and with the Minneapolis zoning standard that *outdoor production or processing and concrete, asphalt and rock crushing facilities* in their General Industrial District “shall be located at least 300 feet from any residence or office residence district.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

- (b) ~~The use~~ All outdoor servicing, processing shall be conducted, operated and maintained in accordance with any necessary ~~permits of MPCA, the county and the city~~ permits, copies of which shall be provided to and maintained on file by the zoning administrator.

[Requiring that necessary state and local permits be provided to the zoning administrator is an aid to enforcement. Lack of necessary permits is evidence that a use has ceased.]

- ~~(c) The applicant shall provide a site plan showing the location of buildings; areas of outdoor storage, servicing, processing or manufacturing; and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to contain on the property any dust, odor, noise or other potentially adverse effects.~~

[Replaced in more detail in (c) below.]

- (c) The following shall be provided with an application for a conditional use permit:

- (1) A site plan drawn to scale showing the location of buildings; areas of outdoor processing and storage; fences, walls, landscaping and screening vegetation; and the location of any stream, river (including the ordinary high water level), lake, wetland and major topographical feature within three hundred (300) feet of the site.
- (2) A description of sources of sound, including hours of operation and measures to conform to noise regulations laid out in Sec. 293 of the Legislative Code.
- (3) A dust management plan describing dust emission sources, their quantity and composition, and indicating conformance with all applicable air quality regulations.
- (4) A drainage plan for stormwater management and runoff indicating conformance with all applicable stormwater regulations.

- (5) A traffic plan describing the number of truck/vehicle trips the proposal will generate and the principal access routes to the facility including a description of the facility's traffic impact on the surrounding area.

[These are similar to requirements in the Minneapolis zoning code for *concrete, asphalt and rock crushing facilities* in their General Industrial District, and provide useful guidance for what is needed for a complete conditional use permit application.]

(C.F. No. 09-341, § 4, 4-22-09)

Sec. 65.831. Hazardous waste recycling transfer facility.

A facility that collects recyclable hazardous and industrial non-hazardous wastes from very small quantity generators (VSQG), as defined in Minnesota Rules 7045.0320, and consolidates these wastes into larger containers that meet minimum shipment requirements (generally 55 gallon drums), and transfers them to an appropriate processing facility within ten (10) days of receipt.

Standards and conditions:

- (a) The facility shall be at least 300 feet from a residential or traditional neighborhood district boundary.
- (b) The facility shall meet all state requirements of a VSQG collection site, including a license issued by the Saint Paul-Ramsey County Department of Public Health.
- (c) The facility shall document the safety of any outdoor storage of collected materials.
- (d) The facility shall collect the waste or shall ensure that customers are trained to safely transport the material to the facility.
- (e) The facility shall not accept or collect household hazardous waste or explosive, radioactive, infectious, or putrescible materials.
- (f) The facility shall be kept free of litter and any other undesirable materials and cleaned of loose debris on a daily basis.

[Definition and standards from a 12/19/03 Planning Commission determination of similar use. The 10 day transfer deadline is in the definition because it is in state law.]

Sec. 65.8321. Infectious waste incinerator.

Standards and conditions:

See section 65.8332, infectious waste processing facility, standards and conditions (a)-(c).

Sec. 65.8332. Infectious waste processing facility.

A site, including the land and any structures thereon, where infectious waste or pathological waste is accepted, transferred, stored, handled, treated, decontaminated, processed or disposed.

Infectious waste processing facility does not include the site of a generator of infectious waste which is governed by the state department of health, as set forth in Minnesota Statutes, section 116.81, subdivision 2.

Standards and conditions:

- (a) The treatment of waste shall be conducted within completely enclosed buildings.
- (b) The storage of the waste shall be within completely enclosed buildings, except that the storage of the waste may be within trailers, provided the trailers are securely locked and are temperature controlled to prevent putrescence, as directed by the department of safety and inspections. The waste shall be stored for no more than forty-eight (48) hours, except that waste accepted on Friday must be disposed of no later than the following Monday.
- (c) All structures containing the waste operations shall be at least three hundred (300) one thousand (1,000) feet from a residential or traditional neighborhood district boundary the closest property line of a one, two, or multiple family dwelling.
- (d) The incineration of infectious waste shall be prohibited.

(C.F. No. 07-149, § 38, 3-28-07)

[The 300 foot separation requirement for this *indoor* use from residential and traditional neighborhood districts, where one-, two-, and multiple family dwellings are permitted, is consistent with the separation requirements for *general outdoor processing, cement, asphalt cement, and asphalt manufacturing, outdoor concrete, asphalt and rock crushing, outdoor recycling processing center, and solid waste compost facility*, and with the Minneapolis zoning standard that *outdoor production or processing and concrete, asphalt and rock crushing facilities* in their General Industrial District “shall be located at least 300 feet from any residence or office residence district.”

Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.

This use must comply with all provisions of the Minnesota Infectious Waste Control Act. The Infectious Waste Control Act does not have a requirement for separation of this use from residential uses or zoning districts, and there does not appear to be a basis for a separation requirement of more than 300 feet. The Minneapolis zoning code does not specify a separation requirement for indoor industrial uses such as this.

This use is also subject to the requirements of Chapter 429, Infectious Waste, of the City Legislative Code, which requires a city license for an infectious waste processing facility that can be granted by the City Council only after the City Council holds a public hearing. This use is currently listed as a conditional use in the I2-I3 Industrial Districts, with an additional public hearing by the Planning Commission required, and the ability of the Planning Commission to impose additional reasonable conditions and limitations in granting a conditional use permit, on top of the protections afforded by other city and state regulations, the City Council license hearing, and the objective standards and conditions in Zoning Code § 65.833.

Before the Planning Commission may grant approval of a conditional use permit, the commission must be able to make all of the following required findings:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If any one of these required findings can not be made, or if any one of the standards and conditions in § 65.833 is not met, then the Planning Commission must deny the conditional use permit. This provides for protection of adjacent uses and the public health, safety and general welfare.]

Secs. 65.8343 - 65.8389. Reserved.

Sec. 65.839. Metal shredder, intermediate.

A facility that accepts, stores and shreds intermediately sized metal products, including crushed and logged motor vehicles cut into smaller sections. The facility shall be incapable of handling whole crushed motor vehicles, closed containers and heavy-dense scrap with a thickness of more than ¼ inch.

Standards and conditions:

- (a) Facilities for motor vehicle recycling shall be located on the site of an existing legal motor vehicle salvage operation.
- (b) The size of the shredder intake shall be 60 inches by 60 inches or less and the power generated by the shredder shall be 1500 horsepower or less.
- (c) All processing activities and material storage shall be contained within enclosed buildings that meet all requirements of the State Building Code.
- (d) The facility shall meet noise standards as set forth in MPCA (Minnesota Pollution Control Agency) Noise Pollution Control Rules and local ordinances. The applicant shall perform a noise analysis to determine whether the facility will conform to the standards and propose any mitigation measures necessary to meet the rules and regulations. Buildings shall be insulated as required by the State Building Code and sound proofed as required by the noise analysis.
- (e) The shredder shall be equipped with a closed loop dust collection system or similar system to ensure safe indoor and outdoor air quality. The applicant shall prepare an air quality analysis showing how air quality will be in compliance with state, federal, and local rules and regulations.
- (f) The applicant shall provide a traffic analysis identifying automobile and truck trips, peak hour trips, and potential impacts on existing transportation systems. Intermediate shredders shall not be permitted in any instance where negative impacts on the existing transportation system cannot be mitigated by the applicant.
- (g) Vehicular access to the facility shall not include local or collector streets that also provide vehicular access to residential uses, schools, churches or hospitals.
- (h) The applicant shall prepare an evaluation of surrounding subsurface soils, utilities, and surrounding buildings to determine the likelihood of adverse vibration issues, and shall

design a foundation and footing system to address any issues that are discovered.

- (i) The applicant shall prepare a surface and ground water quality analysis that complies with state, local, and federal regulations regarding stormwater pollution prevention and groundwater quality.
- (j) Intermediate shredders shall be at least three hundred (300) feet from a residential or traditional neighborhood district boundary.
- (k) A site plan and supporting documentation showing how the proposed facility complies with all standards and conditions shall be submitted with the application for a conditional use permit.

[Definition and standards based on a Planning Commission determination of similar use. The 300 foot separation requirement for this *indoor* use from residential and traditional neighborhood districts is consistent with the separation requirements for *general outdoor processing, cement, asphalt cement, and asphalt manufacturing, outdoor concrete, asphalt and rock crushing, outdoor recycling processing center, and solid waste compost facility*, and with the Minneapolis zoning standard that *outdoor production or processing and concrete, asphalt and rock crushing facilities* in their General Industrial District “shall be located at least 300 feet from any residence or office residence district.” The Minneapolis zoning code does not specify a separation requirement for indoor industrial uses such as this. Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The separation standard covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

Sec. 65.845. Recycling processing center, indoor.

Standards and conditions:

- (a) All processing activities shall be conducted within a wholly enclosed building.
- (b) Outdoor storage of materials shall be within covered containers or behind an opaque visual screen meeting the requirements of section ~~63.114~~ 63.114, visual screens, on three (3) sides. Such outdoor storage shall be located at least three hundred (300) feet from any residential district.

...

Sec. 65.846. Recycling processing center, outdoor.

Standards and conditions:

- (a) Outdoor processing, salvaging and storage of the materials and motor vehicles shall be ~~no closer than~~ at least three hundred (300) feet from a residential or traditional neighborhood district boundary to a property occupied with a one-, two- or multiple-family dwelling. The area used for the outdoor processing, salvaging and storage shall be behind an ~~eight-foot-high~~ obscuring wall, fence, structure, or landscaped buffer at least eight (8) feet high

providing for reasonable operation of the business. The planning commission may modify this requirement where a wall, fence or buffer may interfere with the operation of the business.

...

- (c) There shall be no stacking of material above the height of the obscuring structure, wall or fence, except that material set back three hundred (300) feet from the nearest residential zoning district property line may be stacked one (1) foot higher than the obscuring structure, wall or fence, up to a maximum of sixty (60) feet, for every additional five (5) feet the material is set back from the nearest residential property line zoning district, up to a maximum of sixty (60) feet.

[Edited for clarity, simplicity and consistency. The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the separation requirement for *general outdoor processing* and with the Minneapolis zoning standard under which this use is regulated that *outdoor production or processing* in their General Industrial District "shall be located at least 300 feet from a residence or office residence district boundary." Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

Sec. 65.847. Solid waste compost facility.

...

- (e) The facility shall be located ~~no closer than~~ at least three hundred (300) feet from any residentially or traditional neighborhood district boundary, ~~used or zoned property as~~ measured from the edge of the nearest compost pile to the nearest residentially or traditional neighborhood district boundary ~~used or zoned property~~.

...

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the separation requirement for *general outdoor processing* and with the Minneapolis zoning standard under which this use is regulated that *outdoor production or processing* in their General Industrial District "shall be located at least 300 feet from a residence or office residence district boundary." Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

Chapter 66. Zoning Code – Zoning District Uses, Density and Dimensional Standards

ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Division 1. 66.510. Intent.

Sec. 66.511. Intent, IT transitional ~~IR-light industrial restricted~~ district.

The IT transitional ~~IR-light industrial restricted~~ district is intended to provide sites for commercial, office and light industrial uses that are compatible with any nearby residential and traditional neighborhood districts, parks, and parkways, ~~or residential uses.~~

(Ord. No. 17511, § 3, 11-12-87; C.F. No. 06-112, § 1, 2-22-06)

[Amendments to reflect how this district is being used (including adjacent to LRT station area traditional neighborhood districts), better distinguish it from the I1 *Light* Industrial District, and avoid confusion with the I3 *Restricted* Industrial District.]

Sec. 66.512. Intent, I1 light industrial district.

The I1 light industrial district is intended to accommodate wholesale, warehouse, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect surrounding districts in a detrimental way. The I1 district is intended to permit, along with other specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semifinished products from previously prepared material.

(Code 1956, § 60.531)

Sec. 66.513. Intent, I2 general industrial district.

The I2 general industrial district is intended primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations whose external effects will be felt in surrounding districts. The I2 district is intended to permit the manufacturing, processing and compounding of semifinished products from raw material and prepared material. The processing of raw material in bulk form to be used in an industrial operation is a permitted use in the I2 district.

(Code 1956, § 60.541)

Sec. 66.514. Intent, I3 heavy ~~restricted~~ industrial district.

The I3 heavy ~~restricted~~ industrial district is intended to provide sites for uses which are or can be objectionable or hazardous unless surrounded by other types of industrial districts.

(Code 1956, § 60.551)

[*Heavy industrial* is a more commonly used term to describe this district and the types of uses permitted in this district. It helps to avoid confusion with the way the term *restricted* has been used to describe the IR Light Industrial *Restricted* District.]

Division 2. 66.520. Principal Uses in Industrial Districts

Sec. 66.521. Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IRIT-I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	<u>IR</u> <u>IT</u>	<u>I1</u>	<u>I2</u>	<u>I3</u>	Definition (d) Development Standards (s)
Residential Uses					
<i>Mixed Commercial-Residential Uses</i>					
Home occupation	P	P	P		(d), (s) ✓
Mixed residential and commercial use	P	P	P/C		(s) ✓
<i>Congregate Living</i>					
Foster home, freestanding foster care home	P	P	P		✓
Community residential facility, licensed human service	P	P	P		(d), (s) ✓
Community residential facility, licensed correctional		C	C		(d), (s) ✓
Community residential facility, health department licensed		C	C		(d), (s) ✓
Correctional facility		C	P	E	
Emergency housing facility		C	C		(d), (s) ✓
Overnight shelter		C	C		(d), (s) ✓
Shelter for battered persons	P	P	P		(d), (s) ✓
Transitional housing facility	P	P	P		(d), (s) ✓
Sober house	P/C	P/C	P/C		(d), (s) ✓
Roominghouse, boardinghouse			C		(d), (s) ✓
Hospice	P	P	P		(d), (s) ✓
Civic and Institutional Uses					
<i>Educational Facilities</i>					
Group day care	P	P	P C		(d), (s) ✓
School, grades K-12	P	P	P C		(s)
College, university, seminary, etc.	P	P	P C		(d), (s) ✓
Trade school, arts school, dance school, etc.	P	P	P C		
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall	P	P	P C		(d)
Museum	P	P	C		
Public Library	P	P	P C		
Public and private park, playground	P	P	P		
Recreation, noncommercial	P	P	P		(d)

Use	IR II	I1	I2	I3	Definition (d) Development Standards (s)
Religious Institutions					
Church, chapel, synagogue, place of worship	P	P	P C		
Rectory, parsonage	P	P	P		
Convent, monastery, religious retreat	P	P	P		
Public Services and Utilities					
Antenna, cellular telephone	P/C	P/C	P	P	(d), (s) ✓
Antenna, public utility microwave	C	C	P	P	(d), (s) ✓
Antenna, radio and television transmitting	C	C	P	P	(d), (s) ✓
Antenna, satellite dish	C	C	P	P	(d), (s) ✓
Electric transformer or gas regulator substation	P	P	P	P	
Municipal building or use	P	P	P		
Municipal incinerator			P	P	
Power plant			P	P	
Public utility heating or cooling plant		P	P	P	
Public works yard or maintenance facility		P	P	P	
Sewage treatment plant			P	P	
Utility or public service building or yard	P	P	P	P	(d)
Water supply plant	P	P	P	P	
Yard waste site, commercial and municipal		C	C	P	(d), (s) ✓
Commercial Uses					
Offices					
Administrative office	P	P	P		
Artist, photographer studio, etc.	P	P	P		(d)
Insurance office, real estate office, sales office	P	P	P		
Professional office	P	P	P		(d)
Medical Facilities					
Clinic, medical or dental	P	P	P		(d)
Hospital	P	P	P		(d)
Medical laboratory	P	P	P		
Veterinary clinic	P	P	P		(d), (s) ✓
Retail Sales and Services					
General retail	P	P	P		(d)
Alternative financial establishment		C	P		(d), (s) ✓
Bank, credit union	P	P	P		
Business sales and services	P	P	P		(d)
Drive-through sales and services, primary and accessory	P	P	P		(s) ✓
Dry cleaning, commercial laundry	P	P	P		
Food and related goods sales	P	P	P		(d)

Industrial Zoning Study Public Hearing Testimony and Recommendations

8 January 2013

Page 26 of 34

Use	IR IT	I1	I2	I3	Definition (d) Development Standards (s)
Food shelf	P	P	P		(d)
Garden center, outdoor	P	P	P		(d), (s) ✓
Greenhouse	P	P	P		(d), (s) ✓
Gun shop, shooting gallery		C	P	P	(d), (s) ✓
Laundromat, self-service	P	P	P		
Liquor store	P	P	P		
Massage center	P	P	P		(d)
Mortuary, funeral home		P	P C		
Outdoor uses, commercial		C	P		(s) ✓
Outdoor uses, commercial sales of consumer fireworks		C	C		(d), (s) ✓
Package delivery service	P	P	P		(d)
Pawn shop		C	P		(d), (s) ✓
Photocopying	P	P	P		
Post office	P	P	P		
Service business	P	P	P		(d)
Service business with showroom or workshop	P	P	P		(d)
Small appliance repair	P	P	P		
Small engine repair, automotive bench work	P	P	P		
Tattoo shop	P	P	P		
Tobacco products shop	P	P	P		(d), (s) ✓
Food and Beverages					
Bar	P	P	P		(d)
Brew on premises store	P	P	P		(d), (s)
Catering	P	P	P		
Coffee kiosk	P	P	P		(d), (s)
Coffee shop, tea house	P	P	P		(d)
Restaurant	P	P	P		(d)
Restaurant, carry-out-deli	P	P	P		(d)
Restaurant, fast food	P/C	P	P		(d), (s) ✓
Restaurant, outdoor	P	P	P		(s) ✓
Commercial Recreation, Entertainment and Lodging					
Bed and breakfast residence	P	P	P		
Bingo hall, auction hall	P	P	P C		
Health/sports club	P	P	P		(d)
Hotel, inn, motel	P	P	P		
Indoor recreation	P	P	P		(d), (s) ✓
Outdoor (drive-in) theater sports/entertainment		C	P	P	✓
Race track		C	P	P	
Reception hall	P	P	P C		
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, concert hall	P	P	P C		

Use	IR IT	I1	I2	I3	Definition (d) Development Standards (s)
Adult Entertainment					
Adult use		C	C		(d), (s) ✓
Automobile Services					
Auto body shop	C	P	P	P	(d), (s) ✓
Auto convenience market	C	P	P		(d), (s) ✓
Auto service station	C	P	P		(d), (s) ✓
Auto specialty store	C	P	P		(d), (s) ✓
Auto repair station	C	P	P		(d), (s) ✓
Auto sales, indoor	P	P	P		
Auto sales and rental, outdoor	C	P	P		(d), (s) ✓
Car wash		P	P		(s) ✓
Parking facilities					
Parking facility, commercial	C	P	P	C	(d), (s) ✓
Transportation					
Airport		C	C	C	(d)
Bus garage, station, lot, or turnaround		P	P	C	
Heliport		C	C	C	(d), (s) ✓
Helistop	C	C	C	C	(d), (s) ✓
Intermodal freight yard			C	C	(d), (s) ✓
Motor freight terminal			C	C	(d), (s) ✓
Railroad right-of-way, transfer and storage tracks	P	P	P	P	
Railroad station or terminal freight facility	P	P	P	C	
Railroad yard or shop	C	C	P	P	
Taxi dispatching, maintenance and storage		P	P	P	
Limited Production, Processing and Storage					
Finishing shop	P	P	P		(d), (s) ✓
Limited production and processing	P	P	P		(d), (s) ✓
Mail order house	P	P	P		
Malt liquor production	P	P	P		
Plastic products	P	P	P		(d)
Printing and publishing	P	P	P		
Recycling collection center		P	P		(d), (s) ✓
Recycling drop-off station	P	P	P		(d), (s) ✓
Storage facility, rental	P	P	P	P	
Toiletries and cosmetic manufacturing	P	P	P		
Warehousing and storage	P	P	P		
Wholesale establishment	P	P	P		(d)
Industrial Uses					

Use	IR IT	I1	I2	I3	Definition (d) Development Standards (s)
Light manufacturing	P	P	P	PC	(d)
General industrial			P	P	(d)
General outdoor processing			C	C	(d), (s) ✓
Brewery, micro and regional	P	P	P		(d)
Brewery, national			P		(d)
Cement, asphalt cement, and asphalt manufacturing			C	C	(s) ✓
Concrete, asphalt and rock crushing facility, outdoor				C	(d), (s) ✓
Crematorium		P	P	P	
Greenhouse, industrial	P	P	P		(d)
Hazardous waste processing facility			C	C	(d), (s) ✓
Hazardous waste recycling transfer facility			C	C	(d), (s)
Infectious waste incinerator				C	(s) ✓
Infectious waste processing facility			C	C	(d), (s) ✓
Lumber yard	P	P	P		
Metal shredder, intermediate			C	C	(d), (s)
Mining			C	C	(d)
Motor vehicle salvage operation			C	C	(d), (s) ✓
Petroleum and gasoline tank farms				P	
Recycling processing center, indoor		P	P	P	(d), (s) ✓
Recycling processing center, outdoor			C	C	(d), (s) ✓
Rendering plants and tanning				P	
Research, development and testing laboratory	P	P	P		
Solid waste compost facility			C	C	(d), (s) ✓
Solid waste transfer station			P	PC	(d)
Tire retreading		P	P	P	
Accessory Uses					
Accessory use	P	P	P	P	(d), (s)

Notes to table 66.521, principal uses in industrial districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

(C.F. No. 05-441, § 2, 8-24-05; Ord. No. 06-112, § 2, 2-22-06; C.F. No. 07-633, § 3, 8-15-07; C.F. No. 08-640, § 6, 7-9-08; C.F. No. 09-341, § 6, 4-22-09; Ord. No. 10-33, 10-27-10; Ord. No. 11-26, § 2, 3-23-11; Ord. No. 11-27, § 1, 4-20-11)

[Deleted uses don't need to be separately listed or do not support the primary intent and purposes of industrial districts. Added uses reflect Planning Commission determinations of similar use in recent years. Detail is added to the "Definition, Standards" column to make it more helpful in knowing when to look to Chapter 65 for a particular land use definition or for standards and conditions for a particular use.]

Division 3. 66.530. Industrial District Density and Dimensional Standards

Sec. 66. 531. Density and dimensional standards table.

Table 66.531, industrial district dimensional standards, sets forth density and dimensional standards that are specific to industrial districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.531. Industrial District Dimensional Standards

Zoning District	Floor Area Ratio (FAR)	Height Maximum		Yard Setbacks Minimum (feet)		
		Stories	Feet	Front	Side	Rear
ITR Transitional Light Industrial Restricted	2.0	3-(a),(b)	350 (a),(b)	0(c),(d),(e),(f)	0-(e)(e),(f)	0-(e)(e),(f)
I1 Light Industrial	2.0	(b)	50 (b)	0(c),(d),(e),(f)	0-(e)(e),(f)	0-(e)(e),(f)
I2 General Industrial	3.0	(b)	75 (b)	0(c),(d),(e),(f)	0-(e)(e),(f)	0-(e)(e),(f)
I3 Heavy Restricted Industrial	1.0	(b)	75 (b)	0(c),(d),(e),(f)	0-(e)(e),(f)	0-(e)(e),(f)

[With height limits to ensure adequate light and air to adjacent property and compatibility with nearby uses the floor area ratio (FAR) limits in industrial districts are unnecessary, and could artificially limit the job density, employment, tax base and land use efficiency called for in the Comprehensive Plan.

With a 35 foot height limit, the 3 story height limit in the IT district is unnecessary. The traditional neighborhood districts and the other industrial districts do not limit the number of stories, but rather only limit the height in feet.

Changing the IT Transitional Industrial District height limit from 3 stories/30 feet to 35 feet would be more consistent with the height of a 3 story commercial or industrial building. It would also be consistent with the 35 foot height limit in the T1 and T2 districts, which are designed to permit and be compatible with one-family homes. The IT district is intended to be compatible with nearby residential and traditional neighborhood districts.]

Notes to table 66.531, industrial district dimensional standards:

- Buildings exceeding this height limit, to a maximum height of seventy-five (75) feet, may be permitted with a conditional use permit.
- The height of the structure may exceed the maximum building height allowed in the district provided the structure is set back from all exterior property lines of the parcel a distance equal to the height which said structure exceeds the maximum building height allowed in the district.
- On those lots or parcels, or portions of lots or parcels, ~~which~~ where the frontage adjoins or is ~~are located directly across a street or abut a side or rear~~ from a required front yard lot line in any use district other than an industrial IR, I-1, I-2, I-3, or VPV vehicular parking district, the required front setbacks requirements of ~~from~~ said abutting districts shall apply ~~be equal to a minimum of one and one-half (1½) times the height of the buildings, except as noted in section 63.102.~~

[Revised to relate only to front setbacks, and combined with existing language in (e), which also applies just to front setbacks. Language in new (e) applies just to side and rear setbacks. Requiring setbacks to be 1½ times the height of a building would be inconsistent with other zoning districts and with new IT district design standard (1) that calls for buildings to hold the corner and be located up to the public sidewalk.]

- (d) On those lots or parcels, or portions of lots or parcels, which adjoin a right-of-way line of a parkway, the required setbacks from the parkway right-of-way line shall be equal to that required for residential uses in effect along the parkway right-of-way or twenty-five (25) feet, whichever is greater. The following parkways and portions of parkways are excluded from this setback requirement: Ford Parkway (from Kenneth Street to Finn Street and north side between Finn Street and Mississippi River Boulevard), Gannon Road, and Lexington Parkway (from Pierce Butler Route to the nearest Burlington Northern Railroad tracks).
- (e) ~~Where the frontage of any block is divided into two (2) or more zoning districts, the front yard requirements of the district with the largest front yard depth shall be applied to the entire block frontage. No side or rear yards are required except as specified in the building code, and except that side and rear yard setbacks of at least six (6) feet shall be required where an industrial district adjoins a side yard in an adjacent residential district.~~

[Language about front yard setback requirements is moved to (c) above.]

It is useful to reference the building code setback requirements, which depend on the type of construction and wall openings. The amendments incorporate reference to the building code setback requirements into the industrial dimensional standards table using the same language that is already in the traditional neighborhood and business district dimensional standards table footnotes. They also require 6 foot setbacks from side yards in residential districts as required in the traditional neighborhood and business district dimensional standards table footnotes.]

- (f) ~~Nonrequired front yards and all required and nonrequired side and rear yards shall be permitted to be used for off-street parking. Loading and unloading shall not be permitted in any required front, side or rear yards.~~

[Provisions for yard setbacks for off street parking are covered in § 63.312, *Setback*, in the off-street parking facility standards in chapter 63, and don't need to be covered here. Allowing off street parking in a front yard may be inconsistent with new IT district design standard (5) that calls for surface parking to be located to the side or rear of buildings to the greatest extent possible.]

(Code 1956, § 61.104; Ord. No. 17204, 1-15-85; Ord. No. 17778, § 2, 10-11-90; C.F. No. 92-1479, § 19, 12-15-92; C.F. No. 93-1718, § 64, 12-14-93; C.F. No. 96-462, § 7, 6-5-96; C.F. No. 06-112, §§ 3, 4, 2-22-06)

Division 4. 66.540. Required Conditions

Sec. 66.541. Required conditions in the ITR -I3 industrial districts.

- (a) *Outdoor storage.* Outdoor storage is permitted subject to the following conditions:
- (1) ~~Except as provided in section 63.113, Outdoor storage shall be no closer than at least three hundred (300) feet to from a residential or traditional neighborhood district boundary or to a property occupied with a one-, two-, three-, four-, townhouse or multiple-family dwelling, and in the IR IT transitional light industrial restricted district shall also be no closer than at least three hundred (300) feet to from a park, parkway, or major thoroughfare., except that in reviewing a site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential or traditional neighborhood district, or of a park, parkway, or major thoroughfare, provided that: a) a visual screen, a minimum of~~

six (6) feet in height, is placed between the outdoor storage and such district, park, parkway or major thoroughfare; b) the zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent areas; and c) the zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments.

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with separation requirements in Chapter 65 and the Minneapolis zoning standard that *outdoor production or processing* in their General Industrial District "shall be located at least 300 feet from a residence or office residence district boundary." Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.

The existing provisions on § 63.113 moved to this paragraph, which is what they apply to, for simplicity and clarity.]

- (2) Outdoor storage shall be fenced or walled. Outdoor storage which abuts a thoroughfare, a business district or a PD district shall be behind a six-foot-high obscuring fence. However, an obscuring fence shall not be required if the outdoor storage is screened by a building or topography. On sites where the topography renders an obscuring fence ineffectual as a screen, landscape screening shall be required.
- (b) *Outdoor uses.* In the ITR, I1, and I3 industrial districts, all business, servicing, processing or manufacturing shall be conducted within completely enclosed buildings, except for off-street parking, off-street loading, and outdoor uses specifically allowed as permitted or conditional uses.
- (c) Activities involving storage, utilization or manufacture of materials or products which contain their own oxidizing agent and which decompose by detonation are not permitted in the ITR-I1 industrial districts; provided that storage of small arms ammunition for retail sale shall be permitted; and further provided that research, medical and hospital laboratories, when operating under the direct supervision of scientifically trained personnel, may use the above material for research, medical and development purposes. Such activities are allowed in the I2 general industrial district when specifically authorized under the codes and ordinances of the city.
- (d) Meat packing plants, large metal shredders, the refining of petroleum or gasoline, and stock yards are prohibited.

(Code 1956, §§ 60.533, 60.543; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; C.F. No. 92-1479, §§ 11, 12, 12-15-92; C.F. No. 93-906, § 3, 11-4-93; C.F. No. 93-1718, §§ 54, 55, 12-14-93; C.F. No. 97-1406, § 3, 12-10-97; C.F. No. 06-112, § 5, 2-22-06)

Sec. 66.542. Required conditions in the IT transitional ~~IR light industrial~~ restricted district.

(a) Design standards. Development shall be consistent with the following design standards unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable:

(1) Buildings anchor the corner. At intersections in pedestrian-oriented areas characterized by such things as buildings located up to the public sidewalk, pedestrian-scale street lighting, a mix of uses, and availability of transit service, buildings shall "hold the corner," that is, have street facades within fifteen (15) feet of the lot line along both streets, or the site plan shall include pedestrian-oriented elements such as substantial landscaping, public art, monument signage, and vertical structural elements that "hold the corner."

[Replaces IR reference in (c) to § 66.343(b)(6), *Buildings anchor the corner*, for traditional neighborhood districts. New language parallels §63.110, *Building Design Standards* (c), which also has language about *holding the corner*, including the option of "vertical structural elements that 'hold the corner.'"]

(2) Building facade articulation. The bottom 25 feet of building facades facing a public street shall include human-scale elements- including, but not limited to, doors and windows, awnings and canopies, vertical or horizontal variations in color, texture, and material, and/or ornamentation, offset or recessed structural bays, projecting elements such as colonnades or bay windows, or other roof or wall features.

[Replaces and modifies IR reference in (c) to § 66.343(b)(9), *Building facade articulation*, for traditional neighborhood districts. The language mirrors similar language in Port Authority covenants.]

(3) Materials and detailing. Buildings shall be constructed of high-quality materials, including, but not limited to, brick, stone, textured cast stone, tinted masonry units, concrete, glass and architectural metal. The following materials are generally not acceptable:

- Unadorned plain or painted concrete block or panels;
- Synthetic stucco products;
- Corrugated metal;
- Reflective glass; and
- Vinyl, fiberglass, asphalt or fiberboard siding.

[Replaces IR reference in (c) to § 66.343(b)(14), *Materials and detailing*, for traditional neighborhood districts to be more appropriate for industrial/office building types, deleting "tilt up concrete panels" from the list of unacceptable materials.]

(4) Door and window openings. For office portions of principal buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street. Such windows shall be clear or translucent to improve visibility, add visual interest, and provide daylighting of interior spaces.

[Replaces IR reference in (c) to § 66.343(b)(13), *Door and window openings – minimum and character*, to focus solely on the office portions of principal buildings (instead of a requirement of 50% of the length and 30% of the area of ground floor facades of commercial/civic buildings). New language parallels §63.110, *Building Design Standards* (b), which exempts industrial, production, processing, storage, public service, and utility buildings, and requires 15% of the total area of principal building exterior walls facing a public street or sidewalk to be windows and door openings.]

- (5) *Parking location and design.* Surface parking shall be located to the side or to the rear of principal buildings to the greatest extent possible, or on a separate lot in compliance with section 63.304. In reviewing a site plan, the zoning administrator may permit up to two (2) rows of parking spaces between the principal building and a street.

[Replaces IR reference in (c) to § 66.343 (b)(18), *Parking location and design*, and replaces/simplifies IR condition in § 66.542 (a), *Placement of parking*, which is shown as deleted below.]

- (6) *Landscaping and street trees.* Landscaping shall be provided along the public streets and sidewalks to define the street edge, buffer pedestrians from vehicles, and provide shade. Any fence along a public street and sidewalk shall be decorative. Street trees in the street right-of-way, as prescribed by the city forester and section 69.600 of the subdivision regulations, shall be provided along all streets. Street trees shall be located in a planting strip at least five (5) feet wide between the curb and sidewalk, or in structural soil or its equivalent.

[Replaces IR reference in (c) to § 66.343 (b)(22), *Street trees*. Also discusses private or other landscaping along public streets and sidewalks that may have the same function as street trees (define the street edge, buffer pedestrians, etc.). The zoning administrator will prepare a document with examples of acceptable decorative fence types, materials, and designs.]

- (7) *Sidewalks.* When redevelopment occurs, public streets shall be designed with a public sidewalk along the frontage of the property being developed.

[Replaces IR reference in (c) to § 66.343(b)(23), *Sidewalks*, to be more appropriate for industrial areas.]

- ~~(a) *Placement of parking.* Surface parking may be located to the rear of the principal building, within the rear yard area of the parcel, in an interior side yard if rear parking is impractical or insufficient, or on a separate lot in compliance with section 63.304. In reviewing a site plan the zoning administrator may permit up to twenty-five (25) percent of required parking spaces between the principal building and a street, not to exceed two (2) rows of parking spaces, and the planning commission may permit more, if necessary because of special needs, site conditions, or site constraints, provided that owners of property within three hundred fifty (350) feet of the parking spaces are notified by mail at least ten (10) days before approval of the site plan, their comments are considered, there is a good pedestrian connection between the sidewalk and building entrance, and the area is well landscaped.~~

[Replaced by (a)(5) above.]

- (b) *Park setbacks.* In any yard which adjoins a publicly owned park, buildings may be constructed at the lot line subject to setbacks being provided in accordance with the table below:

Park Setbacks

Building Height (stories)	Setback from Lot Line
1, 2, and 3 Up to 35 feet	0
4 35 – 50 feet	15 feet
5 More than 50 feet	30 feet
6 and over	45 feet

(Ord. No. 17511, §1, 11-12-87)

~~(c) *Design standards.* Development shall be consistent with the design standards in section 66.343(b)(6), (7), (9), (10), (12), (13), (14), (15), (18), (20), (21), (22), and (23), unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable.~~

(C.F. No. 06-112, § 6, 2-22-06; Ord. No. 11-27, § 1, 4-20-11)

[Replaced by design standards in new (a) above specifically tailored to the IT Transitional Industrial District and industrial building types. The design standards in § 66.343, *Traditional neighborhood district design standards*, and simply referred to in § 66.542(c), are specifically tailored to traditional neighborhood districts and have often been problematic when applied to industrial districts and building types.]

Sec. 66.543. I1 light industrial district design standards.

In the I1 light industrial district, development is subject to design standards (4), (6), and (7) in section 66.542(a).

city of saint paul
planning commission resolution
file number _____
date _____

RECOMMENDATIONS ON INDUSTRIAL ZONING STUDY TEXT AMENDMENTS

WHEREAS, Policies 2.21, 2.22, and 2.23 of the Land Use chapter of the *Saint Paul Comprehensive Plan* call for study of zoning code amendments pertaining to industrial districts and regulation of industrial uses; and

WHEREAS, § 61.801 of the zoning code calls for periodic review of the zoning code to reflect current city policies, to address current technology and market conditions, and to bring the zoning code up-to-date; and

WHEREAS, the Planning Commission, in Resolution 11-78 on September 16, 2011, initiated a study of zoning code amendments pertaining to industrial districts and regulation of industrial uses; and

WHEREAS, the Planning Commission conducted a public hearing on a draft of the industrial zoning study text amendments on June 1, 2012, notice of which was published in the *Legal Ledger* and was sent to the City's Early Notification System; and

WHEREAS, the Planning Commission referred the draft industrial zoning study text amendments to the Comprehensive Planning Committee for consideration, review of the public hearing testimony, and recommendation; and

WHEREAS, the Comprehensive Planning Committee, on January 8, 2013, forwarded its recommendations to the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED, under the provisions of Minnesota Statutes §462.357 and § 61.801 of the Legislative Code, that the Planning Commission hereby recommends to the Mayor and City Council the following amendments to chapters 60, 62, 63, 64, 65, and 66 of the zoning code pertaining to industrial districts and regulation of industrial uses, as set forth in pages 2 – 17 of this resolution; and

BE IT ALSO RESOLVED, that the Planning Commission directs the Planning Administrator to forward the following draft industrial zoning study text amendments, along with the January 8, 2013, memorandum from the Comprehensive Planning Committee containing their recommendations and rationale for the recommended text amendments, to the Mayor and City Council for their review and adoption.

moved by _____
seconded by _____
in favor _____
against _____

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining.

Chapter 60. Zoning Code – General Provisions and Definitions; Zoning Districts and Maps Generally

Sec. 60.301. Zoning Districts established.

(d) Industrial districts.

ITR transitional ~~river-corridor~~ industrial district

I1 light industrial district

I2 general industrial district

I3 heavy ~~restricted~~ industrial district

Sec. 60.307. More restrictive or less restrictive districts.

When the code refers to more restrictive districts or less restrictive districts, the districts in order from more to less restrictive are: CV, CO, RL, R1, R2, R3, R4, RT1, RT2, RM1, RM2, RM3, T1, OS, B1, BC, T2, B2, T3, B3, T4, B4, B5, ITR ~~IR~~, I1, I2, I3. The VP district shall be as restrictive as the district for which the VP district provides accessory parking.

Chapter 62. Zoning Code – Nonconforming Lots, Uses and Structures

Sec. 62.106. Nonconforming uses of structures, or structures and land in combination.

(q) Existing municipal yard waste sites that are legally nonconforming in the ITR transitional light industrial ~~restricted~~ districts may expand as a conditional use under the provision of sections 61.501-61.504 and section 65.331 even though new municipal yard waste sites are not permitted in the ITR transitional light industrial ~~restricted~~ districts.

Chapter 63. Zoning Code – Regulations of General Applicability

Sec. 63.113. Reserved Outdoor storage near residential districts and uses.

~~In reviewing the site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential district or of a park parkway, or major thoroughfare, provided that:~~

- ~~(a) A visual screen, a minimum of six (6) feet in height, is placed between the outdoor storage and such residential district or use;~~
- ~~(b) The zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent areas; and~~

- ~~(e) The zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments.~~

Chapter 64. Zoning Code – Signs

Sec. 64.504. B2-B3 and ITR industrial districts.

Chapter 65. Zoning Code – Land Use Definitions and Development Standards

Sec. 65.143. Mixed residential and commercial use.

Standards and conditions in B1-B3 business and ITR industrial districts:

- (a) ~~In B1-B3 business and IT industrial districts, dwelling units Residential uses are shall be limited to not more than fifty (50) percent of the basement and first floor and fifty (50) percent of a basement. The eEntire upper floors may be used for residential use. At least fifty (50) percent of the basement and first floor shall be devoted to a principal uses permitted in this the district, other than residential uses.~~
- (b) ~~In I1-I2 industrial districts, dwelling units shall not be located in the basement or first floor and at least eighty (80) percent of the first floor shall be devoted to principal uses permitted in the district, other than residential uses. In the I2 district, a conditional use permit is required for a mixed residential and commercial use with more than six (6) dwelling units.~~

Sec. 65.645. Reserved Outdoor (drive-in) theater.

Standards and conditions:

- (a) ~~The proposed internal design shall receive approval from the city engineer as to the adequacy of drainage, lighting and other technical aspects.~~
- (b) ~~Outdoor theaters shall abut directly upon a major thoroughfare, with ingress and egress available only from said major thoroughfare.~~
- (c) ~~There shall be off-street stacking space for no less than fifty (50) automobiles waiting to enter the facility.~~
- (d) ~~The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent thoroughfares.~~

Sec. 65.701. Auto body shop.

Standards and conditions:

In the ITR transitional light industrial restricted district this use shall be limited to . . .

Sec. 65.703. Auto service station.

Additional standards and conditions in traditional neighborhood and ITR industrial districts:

- (h) In the T2 traditional neighborhood and ITR transitional light industrial ~~restricted~~ districts this use shall be limited to parcels within one-quarter ($\frac{1}{4}$) mile of University Avenue.

Sec. 65.705. Auto repair station.

- (e) In the ITR transitional light industrial ~~restricted~~ district this use shall be limited to . . .

Sec. 65.706. Auto sales and rental, outdoor.

- (d) Except in the ITR transitional light industrial ~~restricted~~ district, the . . .
- (e) In the ITR transitional light industrial ~~restricted~~ district this use shall be limited to parcels within one-quarter ($\frac{1}{4}$) mile of University Avenue, limited to . . .

Sec. 65.731. Parking facility, commercial.

Standards and conditions in traditional neighborhood and ITR industrial districts:

Sec. 65.753. Helistop.

- (a) In business districts and the ITR transitional ~~river corridor~~ industrial district . . .

Sec. 65.811. General industrial.

- (a) Production, processing, . . . except those uses specifically first allowed as permitted uses in the I3 heavy ~~restricted~~ industrial district;

Sec. 65.812. General outdoor processing.

Standards and conditions:

- (a) Outdoor servicing, processing, manufacturing or the storage of materials used in these operations shall be ~~no closer than~~ at least three hundred (300) feet from a residential or traditional neighborhood district boundary ~~to a property occupied with a one-, two-, or multiple-family dwelling.~~

Sec. 65.822. Cement, asphalt cement, and asphalt manufacturing.

Standards and conditions:

- (a) All cement (including Portland cement), asphalt cement and asphalt processing and storage shall be located at least three hundred (300) feet from a residentially or traditional neighborhood district boundary ~~zoned property or property occupied by a residential use.~~

Sec. 65.823. Concrete, asphalt and rock crushing facility, outdoor.

Standards and conditions:

- (a) All concrete, asphalt and rock processing and storage shall be located at least three hundred (300) feet from a residential or traditional neighborhood district boundary ~~residentially-zoned property or property occupied by a residential use.~~
- (b) ~~The use~~ All outdoor servicing, processing shall be conducted, operated and maintained in accordance with any necessary permits of MPCA, the county and the city permits, copies of which shall be provided to and maintained on file by the zoning administrator.
- (c) ~~The applicant shall provide a site plan showing the location of buildings; areas of outdoor storage, servicing, processing or manufacturing; and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to contain on the property any dust, odor, noise or other potentially adverse effects.~~
- (c) The following shall be provided with an application for a conditional use permit:
 - (1) A site plan drawn to scale showing the location of buildings; areas of outdoor processing and storage; fences, walls, landscaping and screening vegetation; and the location of any stream, river (including the ordinary high water level), lake, wetland and major topographical feature within three hundred (300) feet of the site.
 - (2) A description of sources of sound, including hours of operation and measures to conform to noise regulations laid out in Sec. 293 of the Legislative Code.
 - (3) A dust management plan describing dust emission sources, their quantity and composition, and indicating conformance with all applicable air quality regulations.
 - (4) A drainage plan for stormwater management and runoff indicating conformance with all applicable stormwater regulations.
 - (5) A traffic plan describing the number of truck/vehicle trips the proposal will generate and the principal access routes to the facility including a description of the facility's traffic impact on the surrounding area.

(C.F. No. 09-341, § 4, 4-22-09)

Sec. 65.831. Hazardous waste recycling transfer facility.

A facility that collects recyclable hazardous and industrial non-hazardous wastes from very small quantity generators (VSQG), as defined in Minnesota Rules 7045.0320, and consolidates these wastes into larger containers that meet minimum shipment requirements (generally 55 gallon drums), and transfers them to an appropriate processing facility within ten (10) days of receipt.

Standards and conditions:

- (a) The facility shall be at least 300 feet from a residential or traditional neighborhood district boundary.
- (b) The facility shall meet all state requirements of a VSQG collection site, including a license issued by the Saint Paul-Ramsey County Department of Public Health.
- (c) The facility shall document the safety of any outdoor storage of collected materials.
- (d) The facility shall collect the waste or shall ensure that customers are trained to safely transport the material to the facility.

- (e) The facility shall not accept or collect household hazardous waste or explosive, radioactive, infectious, or putrescible materials.
- (f) The facility shall be kept free of litter and any other undesirable materials and cleaned of loose debris on a daily basis.

Sec. 65.8324. Infectious waste incinerator.

Standards and conditions:

See section 65.8332, infectious waste processing facility, standards and conditions (a)-(c).

Sec. 65.8332. Infectious waste processing facility.

Standards and conditions:

- (a) The treatment of waste shall be conducted within completely enclosed buildings.
- (b) The storage of the waste shall be within completely enclosed buildings . . .
- (c) All structures containing the waste operations shall be at least three hundred (300) one thousand (1,000) feet from a residential or traditional neighborhood district boundary the closest property line of a one, two, or multiple family dwelling.
- (d) The incineration of infectious waste shall be prohibited.

(C.F. No. 07-149, § 38, 3-28-07)

Secs. 65.8343 - 65.8389. Reserved.

Sec. 65.839. Metal shredder, intermediate.

A facility that accepts, stores and shreds intermediately sized metal products, including crushed and logged motor vehicles cut into smaller sections. The facility shall be incapable of handling whole crushed motor vehicles, closed containers and heavy-dense scrap with a thickness of more than ¼ inch.

Standards and conditions:

- (a) Facilities for motor vehicle recycling shall be located on the site of an existing legal motor vehicle salvage operation.
- (b) The size of the shredder intake shall be 60 inches by 60 inches or less and the power generated by the shredder shall be 1500 horsepower or less.
- (c) All processing activities and material storage shall be contained within enclosed buildings that meet all requirements of the State Building Code.
- (d) The facility shall meet noise standards as set forth in MPCA (Minnesota Pollution Control Agency) Noise Pollution Control Rules and local ordinances. The applicant shall perform a noise analysis to determine whether the facility will conform to the standards and propose any mitigation measures necessary to meet the rules and regulations. Buildings shall be insulated as required by the State Building Code and sound proofed as required by the noise analysis.

- (e) The shredder shall be equipped with a closed loop dust collection system or similar system to ensure safe indoor and outdoor air quality. The applicant shall prepare an air quality analysis showing how air quality will be in compliance with state, federal, and local rules and regulations.
- (f) The applicant shall provide a traffic analysis identifying automobile and truck trips, peak hour trips, and potential impacts on existing transportation systems. Intermediate shredders shall not be permitted in any instance where negative impacts on the existing transportation system cannot be mitigated by the applicant.
- (g) Vehicular access to the facility shall not include local or collector streets that also provide vehicular access to residential uses, schools, churches or hospitals.
- (h) The applicant shall prepare an evaluation of surrounding subsurface soils, utilities, and surrounding buildings to determine the likelihood of adverse vibration issues, and shall design a foundation and footing system to address any issues that are discovered.
- (i) The applicant shall prepare a surface and ground water quality analysis that complies with state, local, and federal regulations regarding stormwater pollution prevention and groundwater quality.
- (j) Intermediate shredders shall be at least three hundred (300) feet from a residential or traditional neighborhood district boundary.
- (k) A site plan and supporting documentation showing how the proposed facility complies with all standards and conditions shall be submitted with the application for a conditional use permit.

Sec. 65.845. Recycling processing center, indoor.

Standards and conditions:

- (a) All processing activities shall be conducted within a wholly enclosed building.
- (b) Outdoor storage of materials shall be within covered containers or behind an opaque visual screen meeting the requirements of section 63-xxx 63.114, visual screens, on three (3) sides. Such outdoor storage shall be located at least three hundred (300) feet from any residential district.

Sec. 65.846. Recycling processing center, outdoor.

Standards and conditions:

- (a) Outdoor processing, salvaging and storage of the materials and motor vehicles shall be no closer than at least three hundred (300) feet from a residential or traditional neighborhood district boundary to a property occupied with a one-, two- or multiple-family dwelling. The area used for the outdoor processing, salvaging and storage shall be behind an eight-foot-high obscuring wall, fence, structure, or landscaped buffer at least eight (8) feet high providing for reasonable operation of the business. ~~The planning commission may modify this requirement where a wall, fence or buffer may interfere with the operation of the business.~~

- (c) There shall be no stacking of material above the height of the obscuring structure, wall or fence, except that material set back three hundred (300) feet from the nearest residential zoning district property line may be stacked one (1) foot higher than the obscuring structure, wall or fence, ~~up to a maximum of sixty (60) feet~~, for every additional five (5) feet the material is set back from the nearest residential property line zoning district, up to a maximum of sixty (60) feet.

Sec. 65.847. Solid waste compost facility.

...

- (e) The facility shall be located ~~no closer than~~ at least three hundred (300) feet from any residentially or traditional neighborhood district boundary, ~~used or zoned property as~~ measured from the edge of the nearest compost pile to the nearest residentially or traditional neighborhood district boundary ~~used or zoned property~~.

...

**Chapter 66. Zoning Code – Zoning District Uses,
Density and Dimensional Standards**

ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Division 1. 66.510. Intent.

Sec. 66.511. Intent, IT transitional ~~IR light industrial restricted~~ district.

The IT transitional ~~IR light industrial restricted~~ district is intended to provide sites for commercial, office and light industrial uses that are compatible with any nearby residential and traditional neighborhood districts, parks, and parkways, ~~or residential uses~~.

(Ord. No. 17511, § 3, 11-12-87; C.F. No. 06-112, § 1, 2-22-06)

Sec. 66.512. Intent, I1 light industrial district.

The I1 light industrial district is intended to accommodate wholesale, warehouse, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect surrounding districts in a detrimental way. The I1 district is intended to permit, along with other specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semifinished products from previously prepared material.

(Code 1956, § 60.531)

Sec. 66.513. Intent, I2 general industrial district.

The I2 general industrial district is intended primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations whose external effects will be felt in surrounding districts. The I2 district is intended to permit the manufacturing,

processing and compounding of semifinished products from raw material and prepared material. The processing of raw material in bulk form to be used in an industrial operation is a permitted use in the I2 district.

(Code 1956, § 60.541)

Sec. 66.514. Intent, I3 heavy restricted industrial district.

The I3 heavy restricted industrial district is intended to provide sites for uses which are or can be objectionable or hazardous unless surrounded by other types of industrial districts.

(Code 1956, § 60.551)

Division 2. 66.520. Principal Uses in Industrial Districts

Sec. 66.521. Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the ~~IRIT~~-I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IR IT	I1	I2	I3	Definition (d) Development Standards (s)
Residential Uses					
Mixed Commercial-Residential Uses					
Home occupation	P	P	P		(d), (s) ✓
Mixed residential and commercial use	P	P	P/C		(s) ✓
Congregate Living					
Foster home, freestanding foster care home	P	P	P		✓
Community residential facility, licensed human service	P	P	P		(d), (s) ✓
Community residential facility, licensed correctional		C	C		(d), (s) ✓
Community residential facility, health department licensed		C	C		(d), (s) ✓
Correctional facility		C	P	C	
Emergency housing facility		C	C		(d), (s) ✓
Overnight shelter		C	C		(d), (s) ✓
Shelter for battered persons	P	P	P		(d), (s) ✓
Transitional housing facility	P	P	P		(d), (s) ✓
Sober house	P/C	P/C	P/C		(d), (s) ✓
Roominghouse, boardinghouse			C		(d), (s) ✓
Hospice	P	P	P		(d), (s) ✓
Civic and Institutional Uses					
Educational Facilities					
Group day care	P	P	P/C		(d), (s) ✓
School, grades K-12	P	P	P/C		(s)

Use	IR IT	I1	I2	I3	Definition (d) Development Standards (s)
College, university, seminary, etc.	P	P	P <u>C</u>		(d), (s) ✓
Trade school, arts school, dance school, etc.	P	P	P <u>C</u>		
Social, Cultural, and Recreational Facilities					
Club, fraternal organization, lodge hall	P	P	P <u>C</u>		(d)
Museum	<u>P</u>	<u>P</u>	<u>C</u>		
Public Library	P	P	P <u>C</u>		
Public and private park, playground	P	P	P		
Recreation, noncommercial	P	P	P		(d)
Religious Institutions					
Church, chapel, synagogue, place of worship	P	P	P <u>C</u>		
Rectory, parsonage	<u>P</u>	<u>P</u>	<u>P</u>		
Convent, monastery, religious retreat	<u>P</u>	<u>P</u>	<u>P</u>		
Public Services and Utilities					
Antenna, cellular telephone	P/C	P/C	P	P	(d), (s) ✓
Antenna, public utility microwave	C	C	P	P	(d), (s) ✓
Antenna, radio and television transmitting	C	C	P	P	(d), (s) ✓
Antenna, satellite dish	C	C	P	P	(d), (s) ✓
Electric transformer or gas regulator substation	P	P	P	P	
Municipal building or use	P	P	P		
Municipal incinerator			P	P	
Power plant			P	P	
Public utility heating or cooling plant		P	P	P	
Public works yard or maintenance facility		P	P	P	
Sewage treatment plant			P	P	
Utility or public service building or yard	P	P	P	P	(d)
Water supply plant	P	P	P	P	
Yard waste site, commercial and municipal		C	C	P	(d), (s) ✓
Commercial Uses					
Offices					
Administrative office	P	P	P		
Artist, photographer studio, etc.	P	P	P		(d)
Insurance office, real estate office, sales office	P	P	P		
Professional office	P	P	P		(d)
Medical Facilities					
Clinic, medical or dental	P	P	P		(d)
Hospital	P	P	P		(d)
Medical laboratory	P	P	P		
Veterinary clinic	P	P	P		(d), (s) ✓
Retail Sales and Services					

Use	IR IT	I1	I2	I3	Definition (d) Development Standards (s)
General retail	P	P	P		(d)
Alternative financial establishment		C	P		(d), (s) ✓
Bank, credit union	P	P	P		
Business sales and services	P	P	P		(d)
Drive-through sales and services, primary and accessory	P	P	P		(s) ✓
Dry cleaning, commercial laundry	P	P	P		
Food and related goods sales	P	P	P		(d)
Food shelf	P	P	P		(d)
Garden center, outdoor	P	P	P		(d), (s) ✓
Greenhouse	P	P	P		(d), (s) ✓
Gun shop, shooting gallery		C	P	P	(d), (s) ✓
Laundromat, self-service	P	P	P		
Liquor store	P	P	P		
Massage center	P	P	P		(d)
Mortuary, funeral home		P	P C		
Outdoor uses, commercial		C	P		(s) ✓
Outdoor uses, commercial sales of consumer fireworks		C	C		(d), (s) ✓
Package delivery service	P	P	P		(d)
Pawn shop		C	P		(d), (s) ✓
Photocopying	P	P	P		
Post office	P	P	P		
Service business	P	P	P		(d)
Service business with showroom or workshop	P	P	P		(d)
Small appliance repair	P	P	P		
Small engine repair, automotive bench work	P	P	P		
Tattoo shop	P	P	P		
Tobacco products shop	P	P	P		(d), (s) ✓
Food and Beverages					
Bar	P	P	P		(d)
Brew on premises store	P	P	P		(d), (s)
Catering	P	P	P		
Coffee kiosk	P	P	P		(d), (s)
Coffee shop, tea house	P	P	P		(d)
Restaurant	P	P	P		(d)
Restaurant, carry-out-deli	P	P	P		(d)
Restaurant, fast food	P/C	P	P		(d), (s) ✓
Restaurant, outdoor	P	P	P		(s) ✓
Commercial Recreation, Entertainment and Lodging					
Bed and breakfast residence	P	P	P		
Bingo hall, auction hall	P	P	P C		
Health/sports club	P	P	P		(d)
Hotel, inn, motel	P	P	P		
Indoor recreation	P	P	P		(d), (s) ✓

Use	IR IT	I1	I2	I3	Definition (d) Development Standards (s)
Outdoor (drive-in) theater sports/entertainment		C	P	P	✓
Race track		C	P	P	
Reception hall	P	P	P C		
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, concert hall	P	P	P C		
Adult Entertainment					
Adult use		C	C		(d), (s) ✓
Automobile Services					
Auto body shop	C	P	P	P	(d), (s) ✓
Auto convenience market	C	P	P		(d), (s) ✓
Auto service station	C	P	P		(d), (s) ✓
Auto specialty store	C	P	P		(d), (s) ✓
Auto repair station	C	P	P		(d), (s) ✓
Auto sales, indoor	P	P	P		
Auto sales and rental, outdoor	C	P	P		(d), (s) ✓
Car wash		P	P		(s) ✓
Parking facilities					
Parking facility, commercial	C	P	P	C	(d), (s) ✓
Transportation					
Airport		C	C	C	(d)
Bus garage, station, lot, or turnaround		P	P	C	
Heliprot		C	C	C	(d), (s) ✓
Helistop	C	C	C	C	(d), (s) ✓
Intermodal freight yard			C	C	(d), (s) ✓
Motor freight terminal			C	C	(d), (s) ✓
Railroad right-of-way, transfer and storage tracks	P	P	P	P	
Railroad station or terminal freight facility	P	P	P	C	
Railroad yard or shop	C	C	P	P	
Taxi dispatching, maintenance and storage		P	P	P	
Limited Production, Processing and Storage					
Finishing shop	P	P	P		(d), (s) ✓
Limited production and processing	P	P	P		(d), (s) ✓
Mail order house	P	P	P		
Malt liquor production	P	P	P		
Plastic products	P	P	P		(d)
Printing and publishing	P	P	P		
Recycling collection center		P	P		(d), (s) ✓
Recycling drop-off station	P	P	P		(d), (s) ✓
Storage facility, rental	P	P	P	P	
Toiletries and cosmetic manufacturing	P	P	P		
Warehousing and storage	P	P	P		

Use	IR IT	I1	I2	I3	Definition (d) Development Standards (s)
Wholesale establishment	P	P	P		(d)
Industrial Uses					
Light manufacturing	P	P	P	PG	(d)
General industrial			P	P	(d)
General outdoor processing			C	C	(d), (s) ✓
Brewery, micro and regional	P	P	P		(d)
Brewery, national			P		(d)
Cement, asphalt cement, and asphalt manufacturing			C	C	(s) ✓
Concrete, asphalt and rock crushing facility, outdoor				C	(d), (s) ✓
Crematorium		P	P	P	
Greenhouse, industrial	P	P	P		(d)
Hazardous waste processing facility			C	C	(d), (s) ✓
Hazardous waste recycling transfer facility			C	C	(d), (s)
Infectious waste incinerator				C	(s) ✓
Infectious waste processing facility			C	C	(d), (s) ✓
Lumber yard	P	P	P		
Metal shredder, intermediate			C	C	(d), (s)
Mining			C	C	(d)
Motor vehicle salvage operation			C	C	(d), (s) ✓
Petroleum and gasoline tank farms				P	
Recycling processing center, indoor		P	P	P	(d), (s) ✓
Recycling processing center, outdoor			C	C	(d), (s) ✓
Rendering plants and tanning				P	
Research, development and testing laboratory	P	P	P		
Solid waste compost facility			C	C	(d), (s) ✓
Solid waste transfer station			P	PG	(d)
Tire retreading		P	P	P	
Accessory Uses					
Accessory use	P	P	P	P	(d), (s)

Notes to table 66.521, principal uses in industrial districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

(C.F. No. 05-441, § 2, 8-24-05; Ord. No. 06-112, § 2, 2-22-06; C.F. No. 07-633, § 3, 8-15-07; C.F. No. 08-640, § 6, 7-9-08; C.F. No. 09-341, § 6, 4-22-09; Ord. No. 10-33, 10-27-10; Ord. No. 11-26, § 2, 3-23-11; Ord. No. 11-27, § 1, 4-20-11)

Sec. 66. 531. Density and dimensional standards table.

Table 66.531, industrial district dimensional standards, sets forth density and dimensional standards that are specific to industrial districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.531. Industrial District Dimensional Standards

Zoning District	Floor Area Ratio (FAR)	Height Maximum		Yard Setbacks Minimum (feet)		
		Stories	Feet	Front	Side	Rear
IR <u>Transitional Light Industrial Restricted</u>	2.0	3 (a),(b)	350 (a),(b)	0(c),(d),(e),(f)	0-(e)(e),(f)	0-(e)(e),(f)
I1 Light Industrial	2.0	(b)	50 (b)	0(c),(d),(e),(f)	0-(e)(e),(f)	0-(e)(e),(f)
I2 General Industrial	3.0	(b)	75 (b)	0(c),(d),(e),(f)	0-(e)(e),(f)	0-(e)(e),(f)
I3 <u>Heavy Restricted Industrial</u>	4.0	(b)	75 (b)	0(c),(d),(e),(f)	0-(e)(e),(f)	0-(e)(e),(f)

Notes to table 66.531, industrial district dimensional standards:

- (a) Buildings exceeding this height limit, to a maximum height of seventy-five (75) feet, may be permitted with a conditional use permit.
- (b) The height of the structure may exceed the maximum building height allowed in the district provided the structure is set back from all exterior property lines of the parcel a distance equal to the height which said structure exceeds the maximum building height allowed in the district.
- (c) On those lots or parcels, or portions of lots or parcels, which where the frontage adjoins or is are located directly across a street or abut a side or rear from a required front yard lot line in any use district other than an industrial IR, I-1, I-2, I-3, or VPV vehicular parking district, the required front setbacks requirements of from said abutting districts shall apply be equal to a minimum of one and one-half (1½) times the height of the buildings, except as noted in section 63.102.
- (d) On those lots or parcels, or portions of lots or parcels, which adjoin a right-of-way line of a parkway, the required setbacks from the parkway right-of-way line shall be equal to that required for residential uses in effect along the parkway right-of-way or twenty-five (25) feet, whichever is greater. The following parkways and portions of parkways are excluded from this setback requirement: Ford Parkway (from Kenneth Street to Finn Street and north side between Finn Street and Mississippi River Boulevard), Gannon Road, and Lexington Parkway (from Pierce Butler Route to the nearest Burlington Northern Railroad tracks).
- (e) Where the frontage of any block is divided into two (2) or more zoning districts, the front yard requirements of the district with the largest front yard depth shall be applied to the entire block frontage. No side or rear yards are required except as specified in the building code, and except that side and rear yard setbacks of at least six (6) feet shall be required where an industrial district adjoins a side yard in an adjacent residential district.
- (f) Nonrequired front yards and all required and nonrequired side and rear yards shall be permitted to be used for off-street parking. Loading and unloading shall not be permitted in any required front, side or rear yards.

(Code 1956, § 61.104; Ord. No. 17204, 1-15-85; Ord. No. 17778, § 2, 10-11-90; C.F. No. 92-1479, § 19, 12-15-92; C.F. No. 93-1718, § 64, 12-14-93; C.F. No. 96-462, § 7, 6-5-96; C.F. No. 06-112, §§ 3, 4, 2-22-06)

Division 4. 66.540. Required Conditions

Sec. 66.541. Required conditions in the ITR -I3 industrial districts.

- (a) *Outdoor storage.* Outdoor storage is permitted subject to the following conditions:
- (1) Except as provided in section 63.113, Outdoor storage shall be no closer than at least three hundred (300) feet to from a residential or traditional neighborhood district boundary or to a property occupied with a one, two, three, four, townhouse or multiple family dwelling, and in the ITR IT transitional light industrial restricted district shall also be no closer than at least three hundred (300) feet to from a park, parkway, or major thoroughfare, except that in reviewing a site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential or traditional neighborhood district, or of a park, parkway, or major thoroughfare, provided that: a) a visual screen, a minimum of six (6) feet in height, is placed between the outdoor storage and such district, park, parkway or major thoroughfare; b) the zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent areas; and c) the zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments.
 - (2) Outdoor storage shall be fenced or walled. Outdoor storage which abuts a thoroughfare, a business district or a PD district shall be behind a six-foot-high obscuring fence. However, an obscuring fence shall not be required if the outdoor storage is screened by a building or topography. On sites where the topography renders an obscuring fence ineffectual as a screen, landscape screening shall be required.
- (b) *Outdoor uses.* In the ITR, I1, and I3 industrial districts, all business, servicing, processing or manufacturing shall be conducted within completely enclosed buildings, except for off-street parking, off-street loading, and outdoor uses specifically allowed as permitted or conditional uses.
- (c) Activities involving storage, utilization or manufacture of materials or products which contain their own oxidizing agent and which decompose by detonation are not permitted in the ITR-I1 industrial districts; provided that storage of small arms ammunition for retail sale shall be permitted; and further provided that research, medical and hospital laboratories, when operating under the direct supervision of scientifically trained personnel, may use the above material for research, medical and development purposes. Such activities are allowed in the I2 general industrial district when specifically authorized under the codes and ordinances of the city.
- (d) Meat packing plants, large metal shredders, the refining of petroleum or gasoline, and stock yards are prohibited.

(Code 1956, §§ 60.533, 60.543; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; C.F. No. 92-1479, §§ 11, 12, 12-15-92; C.F. No. 93-906, § 3, 11-4-93; C.F. No. 93-1718, §§ 54, 55, 12-14-93; C.F. No. 97-1406, § 3, 12-10-97; C.F. No. 06-112, § 5, 2-22-06)

Sec. 66.542. Required conditions in the IT transitional ~~IR-light~~ industrial restricted district.

(a) Design standards. Development shall be consistent with the following design standards unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable:

- (1) Buildings anchor the corner. At intersections in pedestrian-oriented areas characterized by such things as buildings located up to the public sidewalk, pedestrian-scale street lighting, a mix of uses, and availability of transit service, buildings shall "hold the corner," that is, have street facades within fifteen (15) feet of the lot line along both streets, or the site plan shall include pedestrian-oriented elements such as substantial landscaping, public art, monument signage, and vertical structural elements that "hold the corner."
- (2) Building facade articulation. The bottom 25 feet of building facades facing a public street shall include human-scale elements- including, but not limited to, doors and windows, awnings and canopies, vertical or horizontal variations in color, texture, and material, and/or ornamentation, offset or recessed structural bays, projecting elements such as colonnades or bay windows, or other roof or wall features.
- (3) Materials and detailing. Buildings shall be constructed of high-quality materials, including, but not limited to, brick, stone, textured cast stone, tinted masonry units, concrete, glass and architectural metal. The following materials are generally not acceptable:
 - Unadorned plain or painted concrete block or panels;
 - Synthetic stucco products;
 - Corrugated metal;
 - Reflective glass; and
 - Vinyl, fiberglass, asphalt or fiberboard siding.
- (4) Door and window openings. For office portions of principal buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street. Such windows shall be clear or translucent to improve visibility, add visual interest, and provide daylighting of interior spaces.
- (5) Parking location and design. Surface parking shall be located to the side or to the rear of principal buildings to the greatest extent possible, or on a separate lot in compliance with section 63.304. In reviewing a site plan, the zoning administrator may permit up to two (2) rows of parking spaces between the principal building and a street.
- (6) Landscaping and street trees. Landscaping shall be provided along the public streets and sidewalks to define the street edge, buffer pedestrians from vehicles,

and provide shade. Any fence along a public street and sidewalk shall be decorative. Street trees in the street right-of-way, as prescribed by the city forester and section 69.600 of the subdivision regulations, shall be provided along all streets. Street trees shall be located in a planting strip at least five (5) feet wide between the curb and sidewalk, or in structural soil or its equivalent.

(7) Sidewalks. When redevelopment occurs, public streets shall be designed with a public sidewalk along the frontage of the property being developed.

~~(a) Placement of parking. Surface parking may be located to the rear of the principal building, within the rear yard area of the parcel, in an interior side yard if rear parking is impractical or insufficient, or on a separate lot in compliance with section 63.304. In reviewing a site plan the zoning administrator may permit up to twenty five (25) percent of required parking spaces between the principal building and a street, not to exceed two (2) rows of parking spaces, and the planning commission may permit more, if necessary because of special needs, site conditions, or site constraints, provided that owners of property within three hundred fifty (350) feet of the parking spaces are notified by mail at least ten (10) days before approval of the site plan, their comments are considered, there is a good pedestrian connection between the sidewalk and building entrance, and the area is well landscaped.~~

(b) *Park setbacks.* In any yard which adjoins a publicly owned park, buildings may be constructed at the lot line subject to setbacks being provided in accordance with the table below:

Park Setbacks

Building Height (stories)	Setback from Lot Line
1, 2, and 3 Up to 35 feet	0
4 35 – 50 feet	15 feet
5 More than 50 feet	30 feet
6 and over	45 feet

(Ord. No. 17511, §1, 11-12-87)

~~(c) Design standards. Development shall be consistent with the design standards in section 66.343(b)(6), (7), (9), (10), (12), (13), (14), (15), (18), (20), (21), (22), and (23), unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable.~~

(C.F. No. 06-112, § 6, 2-22-06; Ord. No. 11-27, § 1, 4-20-11)

Sec. 66.543. I1 light industrial district design standards.

In the I1 light industrial district, development is subject to design standards (4), (6), and (7) in section 66.542(a).

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes June 1, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, June 1, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Perrus, Shively, Thao, Wang,, Wencl; and Messrs. Edgerton, Gelgelu, Nelson, Ochs, Oliver, Schertler, Spaulding, Ward, Wickiser.

Commissioners Absent: Mmes. Halverson, *Noecker, *Porter, *Reveal, and Messrs. *Connolly, *Lindeke.

*Excused

Also Present: Donna Drummond, Planning Director; Mike Klassen, Allen Lovejoy, Department of Public Works; Allan Torstenson, Patricia James, Anton Jerve, Josh Williams, Kate Reilly, Sarah Zorn, Christina Morrison, Dan Bayers, Eduardo Barrera, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes May 4, 2012.

MOTION: *Commissioner Ward moved approval of the minutes of May 4, 2012. Commissioner Edgerton seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the City Council approved reduced requirements for bars and restaurants serving beer, wine and liquor. These were changes recommended by the Planning Commission in 2011.

She also asked commissioners to please save the date for a special workshop being offered by the Urban Land Institute called Navigating the New Normal, which is scheduled for Tuesday, July 17, 2012 from 3:00-5:00 p.m. at City Hall Room 40. It's a workshop ULI is offering to city officials to help them think about new ways of dealing with development in an era of reduced resources and changing demographics. More information will be available as the details are finalized.

larger hoop houses and also limited regulations in terms of how long they can be up because a hoop house is used all year long.

16. Eric Larsen, a resident of Minneapolis who farms the Stones Throw farm in Saint Paul, encouraged the Planning Commission to take a closer look at hoop houses and temporary structures. He thinks hoop houses should be defined very clearly and with the realization of how they are used by farmers and perhaps should not necessarily be subject to the same regulations as other temporary use structures. In terms of on-site sales, he thinks that allowing multiple retail sale sites throughout a neighborhood, instead of focusing on one or two main markets throughout the city, will allow residents without vehicles or access to transportation a chance to buy affordable fresh produce close to their homes. He also believes that with respect to the fees and permits that growing food is a basic right and it should have a different fee and be in a different category.

MOTION: *Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 4, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Nelson seconded the motion. The motion carried unanimously on a voice vote.*

PUBLIC HEARING: Industrial Zoning Study – Item from the Comprehensive Planning Committee. (*Allan Torstenson, 651/266-6579*)

Chair Wencil announced that the Saint Paul Planning Commission is holding a public hearing on the Industrial Zoning Study. Notice of the public hearing was published in the Legal Ledger May 24, 2012, and was mailed to the citywide Early Notification System list and other interested parties.

Allan Torstenson, PED staff, said that on March 23rd the Planning Commission released draft zoning code amendments pertaining to industrial districts and regulation of industrial uses for public review, and scheduled this public hearing. The industrial zoning study is being done now in response to policies in the Land Use Plan adopted in 2010 for consideration of zoning amendments to support the primary intent and purposes of industrial districts for employment and economic activities, and site plan review standards to provide for efficient land use and aesthetic quality. It is also being done as part of regular required review of the zoning code to make sure it is up-to-date, adequately addresses current technology and market conditions, functions efficiently and effectively, and reflects current city policies.

Draft amendments to Table 66.521, Principal Uses in Industrial Districts, on pages 12 – 16 of the study, include: deleting uses that are not primarily for employment and economic activities, such as churches and grades K – 12 schools; deleting out-of-date uses, such as drive-in theaters and rendering plants; adding uses to reflect Planning Commission determinations of similar use in recent years; and providing better cross-references to specific land use definitions and development standards in Chapter 65 of the zoning code.

The draft amendments include tighter standards for residential uses in industrial districts, on page 2 of the study, to provide greater protection for primary commercial and industrial functions and uses in industrial districts, while also providing for mixed residential uses of upper floors. Draft amendments to the IR Light Industrial Restricted District, on page 11 of the study, would change

its name to the IT Transitional Industrial District, and change its intent language, to better reflect how this district is used and distinguish it from the other industrial districts.

The draft industrial zoning amendments released by the Planning Commission for public review include consideration of possible simplification of the zoning code through elimination of the I3 Restricted Industrial District, which is now used only for 2 parcels city-wide, discussed on pages 11 and 12 of the study. This would affect only 4 uses that are currently permitted solely in the I3 district and not also permitted in the General Industrial District. The study suggests that one of the 4 uses, rendering plants, no longer needs to be listed in the industrial use table. The other 3 uses (petroleum and gasoline tank farm; concrete, asphalt and rock crushing facility; and infectious waste incinerator) could be consistent with the intent and purpose of the IG General Industrial District as conditional uses with appropriate standards and conditions.

Draft amendments to Chapter 65 Land Use Development Standards, on pages 2 – 10 of the study, include: additional standards and conditions for incorporation of the three I3 uses into the General Industrial District to provide an industrial district buffer between these uses and non-industrial districts and to protect the public health, safety and welfare; standards for industrial uses based on Planning Commission determinations of similar use in recent years; and consistent language for separation requirements for industrial uses.

Draft amendments to required conditions in industrial districts, on pages 19 – 21 of the study, include design standards specifically tailored to the IT Transitional Industrial District (there is now simply a reference to some traditional neighborhood district standards). Some of the IT design standards would also be applied to the Light Industrial and General Industrial Districts.

Commissioner Oliver asks what is happening with map changes.

Mr. Torstenson said when the Comprehensive Planning Committee discussed the draft zoning industrial study they discussed the use of industrial districts in different uses and their intent would be that any map changes are better addressed in specific followup land use studies that are done for a particular area. This is so that people who own property, or live and work in those areas are more involved in the detailed look at zoning for that particular area and not do that on a citywide basis.

Commissioner Schertler stated that industrial uses are a highly sensitive topic. Regarding the design standards, he had no idea that certain materials would be considered unacceptable, such as reflective glass, synthetic stucco products and concrete panels. He thinks they are completely fine. What are the reasons they have been determined unacceptable?

Mr. Torstenson said there was some discussion at the committee about what to include and what not to include. There were differences in opinion. They had photos of examples of different materials, and the appropriate and inappropriate use of different materials. A lot of it comes down to individual design and how the material is used. He expects some testimony on that today and he expects some discussion and thought on the part of committee before they make a recommendation to the Mayor and City Council on any changes.

Commissioner Merrigan added that the language says: are generally not acceptable, so that leaves some room to look at it depending on whether the development is for a light industrial use, such as a biotech office building in a neighborhood which would have different function requirements.

Chair Wencil read the rules of procedure for the public hearing.

The following people spoke.

1. Mark Savin, an attorney representing Piercing Faith Church, has submitted a letter that was distributed to Planning Commission. Several years ago Piercing Faith acquired about 2 ½ acres of land, which they acquired with the intention of building a new church and related facilities on land that is currently vacant. However, the proposed amendment to the list of permitted uses would prohibit the construction of a new church and given the complexities of a church use it's hard to find a site that can be used for a church. Two points, one that would be terrible policy, and two, it would preclude a multi-million dollar investment in the Frogtown neighborhood that would serve people who live in that neighborhood and are long time residents of Saint Paul. It would undermine strengthening the fabric of a religious institution and possibly a related school. Also this would frustrate extraordinary expectations that have been built up. Those are the policy matters but also as a lawyer, he thinks this change would violate federal law. There is a federal law called Religious Land Use and Institutional Persons Act (RLUIPA) and it makes it absolutely clear that if one were to establish a zoning classification that would prohibit the construction of a church there, that would be a violation of the federal act and it's his obligation to bring this to the Planning Commission's attention. He hopes the Planning Commission will act in the City and church's interest.

Commissioner Oliver asked if there is something about the site itself or where it is located that Mr. Savin thinks would preclude a rezoning to a business district, traditional neighborhood district or something else that would clearly allow a church, since the church has already bought it.

Mr. Savin said he was not prepared to answer that, however he said that the church has always been very cooperative with the City in the development process. They intend to continue to be so, and they appreciate the City's assistance in developing this but they want to be sure that there are no regulatory bars to their doing what needs to be done on their land.

2. Brian McMahon with University United had submitted written comments to the Planning Commission which he referred to. The two most important measurements of economic activity, from a community standpoint, are job density and tax base. Transit oriented development (TOD), with its high density land uses linked to mass transit, consistently out performs all other types of development in both categories. Even industrial areas can benefit from TOD principles which will maximize job opportunities and tax base. The key is intensity of land use. He suggest that the FAR limitations and height maximums in the present draft industrial zoning be removed. With modern industrial distribution practices there is a correlation between large single-story warehouses and low job density. These single story warehouses have few workers and many undesirable environmental impacts. New zoning regulations could limit these negative effects by imposing restrictions on the size of contiguous floor area. They have done a number of design studies that examine the relationship between the form of the built environment and job density. He urged the Planning Commission to undertake similar studies, which should be the basis for changes in the industrial zoning code. Also they hope to see a

minimum density of 20 jobs per acre within the industrial area. Minimum job densities could be an expressed requirement of the zoning code. They prefer that the density be measured on the acreage of the site rather than the square footage of the building. In ending, he urged the City to establish an economic development goal of increasing the percentage of manufacturing jobs in the city from 6% to the national average of 15%.

3. Paul McGinley, current board chair of the Midway Chamber of Commerce, said they support the use changes being proposed in the draft. These changes support the goals of enhanced employment, growth of jobs and fostering economic growth on industrial property. These use changes better preserve industrial land for industrial uses and uses that are compatible with other more intense industrial uses that may be near by. Regarding broadening the application of design standards, which were intended originally only for the IR zone, they are concerned about the effects that can have on attracting new industrial development. It makes sense to apply these standards to the IR zone, but not to broaden their application to I1 and I2, as proposed in the draft. Everything possible needs to be done to not only attract but facilitate and encourage industrial growth in the city. They have also learned from various industrial brokers in the city that there is a very small margin in the cost of constructing an industrial building and the increased cost of a development as a result of the application of one or more of the design standards in Saint Paul could result in the jobs and taxes being generated in a different city. The City should be looking for every possible way to attract the highest industrial uses on its limited industrial land; also the City should avoid imposing further requirements that may deter such development.
4. Chad Blihovde, representing Java Properties, commented on a specific property located at 558 Vandalia. That site is a 5.2-acre industrially-zoned property, which they recently acquired in February. The proposed changes will affect their development because they are rehabbing the project and they want to bring in industrial and technology companies and a theatre. A lot of tech. companies are very artistic, and anything web related will bring in a lot of business and employ a lot of people and they don't think it will affect industry in any negative manner. Another reason why they want to bring a theater to the site is the central location between Saint Paul and Minneapolis. Regarding parking, they can have parking during the day for traditional office workers and parking for the theater at night. He also noted that the high schools in the area are technical education-type schools and in the future they will be working on robotics for industrial uses, so if some of those kids don't go to college but want a high paying job they can have a technical advantage from going to one of those schools and maybe there's a synergy with industry they can work with.

Commissioner Oliver asked if the theater is a single building or part of a larger building?

Mr. Blihovde said it is a 5.2 acre campus with multiple buildings on the campus and they have designated a site that they think will be perfect for a theater, which is in the middle of the site in a beautiful old brick building that they are rehabbing.

5. Robert Straughn, an attorney practicing in the area of commercial real estate, spoke as a long term resident of the city of Saint Paul. He is against eliminating churches and schools as permitted uses in industrial districts. Industrial properties are the best facilities for new churches and schools in a built up city. Saint Paul has a long history of

promoting the education of its citizens and welcoming people of all faiths and to take away the ability to locate new schools and growing churches in our city is to turn our backs on them. Mr. Straughn urged the Planning Commission to continue allowing schools and churches in the City's industrial districts.

Commissioner Schertler asked about leaving churches in I1. Is this a technical issue or a policy issue?

Allan Torstenson, PED staff, said the proposed draft amendment comes out of a recommendation in the land use plan for reducing non-job, non-industrial uses in industrial districts to protect that land for industrial uses. How or if this is done is an issue to be discussed and that is why the staff prepared a draft and to get some ideas out on the table.

Commissioner Schertler wondered how much of a threat this particular use is to industrial land?

Mr. Torstenson said it depends on your perspective. The packet includes a list of existing religious and school uses that would become nonconforming in industrial districts under these proposed changes. There are two churches in I1 and a few schools too, but it's a policy issue for the Planning Commission to think through.

6. Mark Krog with Java Properties stated their concerns with these changes, which relate primarily to schools and theaters. They currently have a charter school in their development and it would limit their potential for future expansion. By limiting schools, specifically charter schools in industrial zoning, the City would be hurting multiple developments. In terms of space for the theater it's going to be epic, they've talked about looking for theaters to come in and the prohibition on theater use in this ordinance would hurt development of these creative uses.

Commissioner Oliver asked what kind of tenants are they aiming for?

Mr. Krog said that it's a big development and it's broken up into eight different buildings. They will have office space that will be good for colleges, tech companies and maybe another charter school. He doesn't know for sure, but with 100,000 square feet of office space and industrial space there is plenty of room. Also, the way that the theater would be situated in the space is a really good fit. They are not looking for heavy industrial businesses; they're looking for light manufacturing to go along with the office.

7. Catherine Reid Day, a representative of the Creative Enterprise Zone located within Saint Anthony Park District 12, stated their concerns about the proposed changes to industrial zoning. Specifically their concern is that the attempt to narrow and constrict the types of entities that can locate and work in the area will negatively affect the future goals expressed by the community and will not be inviting to the very developments and industry they know and need there. The Creative Enterprise Zone Action Team has been talking with a company interested in locating within the zone, but they have said with a narrowing of the zoning, they would not be interested in locating in the area to build their plant and bring with them jobs and other industries that will want to co-locate with them. The proposed narrowing and constriction reflects a step backward from the activity now

underway inside the zone where market forces are at work to encourage and attract new kinds of industry, exciting proximities of innovators and an appreciation of the existing assets of the area. They urge the Planning Commission to reject the recommendations to narrow the uses in industrial zones. They have also submitted their comments in writing to the Planning Commission.

Commissioner Oliver said that when these projects are proposed is there some component of them that is industrial, so that they can only be done in industrial zones, and would not be permitted in T or B zones?

Ms. Reid Day said there are uses that combine different kinds of work and businesses that does include industrial, but they are specifically attracted to the area because it has all the other community elements to it and they feel that their work force wants to be connected more closely to those activities so it's a different idea about industrial.

Commissioner Oliver asked if they did not restrict uses but required them to be co-located with some kind of industrial use, would this would allow the kinds of things they are working on?

Ms. Reid Day said that she could not speak to that with the expertise he is looking for but the point that she is trying to make is that it is very difficult to predict right now what will happen in the future given market forces and new ideas about how space can be used.

8. Amy Sparks, Executive Director of the St. Anthony Park Community Council District 12, said they strongly support the creation of Design Standards for all industrial districts that encourage walkable, livable communities through requirements that industrial buildings permit parking only to the side or rear of newly constructed buildings, and prohibit the use of certain low quality building materials. They oppose proposed language granting the zoning administrator discretion to permit up to two rows of parking spaces between the building and street. They oppose the removal of schools and churches as principal uses within industrial zones. They oppose the reduction of permitted residential uses within industrial zones and they also oppose the elimination of the I3 zoning classification. St. Anthony Park Community Council also submitted written comments to the Planning Commission.

Commissioner Oliver asks if she feels there is a shortage of land that schools, churches and retail businesses can locate on. Because the idea with industrial is there is a shortage of industrial land that only those types of uses are allowed on. So what is the counter argument against saying this is what should be set aside for certain kinds of uses.

Ms. Sparks said that she could not answer that from a real estate perspective but she can only say that three charter schools have located in or near industrial areas in St. Anthony Park in the past 5-10 years. She does not know if they would choose to go to residential land if only that was available. She just knows that they are coming to her area.

9. Betsy Leach, Executive Director of District 1 Community Council talked about the use of conditional use permits to control the three uses that are currently allowed in I3 that would be added to I2. Their concern is that conditional use permits are an ineffective way to control these uses coming into the new IG area. This is disturbing in that they

would have concentrations of these three uses in certain areas of the city where they are currently or where they aren't and could be expanded. Their concerns in District 1 are of potential contamination of the river, Pigs Eye Lake and the other environmentally sensitive areas there. Also they are concerned about noise pollution and they urge the commission to reconsider the merging of I2 and I3. District 1 Community Council submitted a letter with their concerns.

Commissioner Oliver said there are actually two uses that would be coming from I3 to I2, rock crushing and tank farms, so is there a substantial difference with those two uses that requires them to be located in their own district versus what's already allowed in I2?

Ms. Leach thinks that the issue is not so much that there is a substantial difference as whether or not there's going to be a concentration of these types of uses in particular areas. She thinks that you've got to be thinking about whether or not there are some uses that should not be allowed in an urban area for public health reasons and she is not arguing that there isn't a similarity between these things but maybe the uses and their public health impacts need to be considered.

10. Kelly Jameson, Vice President of the Saint Paul Port Authority, said they appreciate the proposed restriction of residential uses in industrially zoned land. Industrially zoned land is becoming scarcer in the city, and they support reserving this land for industry and jobs. They also appreciate the approach to modifying required design standards in the IT transitional districts. They strongly oppose the draft language that these same design standards should be applied to all industrial property throughout the city. The draft proposes that IL light industrial districts should comply with all of the same design standards as the transitional districts, and the effect would be to exclude manufacturing or other types of businesses with large building needs from locating in these areas. The draft proposes that the IG, heavy industrial district also comply with some of these standards. Many of these districts are located far from residential neighborhoods along the river corridor. Putting these design standards on those properties could be very problematic because of flooding on river properties and would be very costly for large parcels. These design standards would limit manufacturing uses from coming into the city. Manufacturers need to build a shell around the process. The Port Authority strongly agrees with the Comprehensive Plan that we need to retain land for jobs in the city. Industrial jobs create living wage jobs for a wide range of skill levels. The average industrial job in Saint Paul pays about \$47,600 per year, and creating more industrial jobs is a great way to fight poverty in Saint Paul. The Port Authority also submitted written comments.

Commissioner Spaulding said that the City should encourage industrial uses and asked about the Port Authority's job density requirements.

Ms. Jameson said that in Port Authority developments they do require a certain job density which is one job per 1,000 square feet of building and they choose to use building are instead of land area, because sometimes there is land that isn't developable, for example it's too contaminated to put a building there. The Port requires 35% lot area coverage, which for manufacturing is high compared to industrial property development in the suburbs.

11. Thomas Peterson, an architect and resident in Saint Paul, works with a local firm that specializes in religious buildings and churches. He is working with the Piercing Faith Church at the Pierce Butler site and other churches that are looking at sites in industrial zones. Churches have limited options to grow or establish a new church in residential areas. He thinks charter schools are similar to the churches in that they are looking for places that are central, where they can have a large capacity and serve people. His primary concern is that churches continue as permitted uses or at least as conditional uses.

Commissioner Ochs asked if growth is defined as the expansion of space or can growth be defined in another way?

Mr. Peterson said that churches can accommodate growth to a certain extent by scheduling more services. Parking remains probably the bigger issue in growing churches; they've moved from neighborhood traditional little churches that serve the neighbors to churches that serve maybe an ethnic group or denominational group that draws from the metro. area.

12. Pastor AZ Jones, Jr., Senior Pastor at Piercing Faith Church, talked about the investment in human capital that churches bring to communities. Cities want jobs for residents, and churches can assist and partner with cities to make these folks employable and he thinks that's often over looked. When looking at zoning we minimize and devalue the fact that churches and schools have a productive role in energizing communities. To exclude them based on the fact that they are not revenue generating institutions is a mistake and discriminatory.

Commissioner Oliver said other than the price, because industrial land is cheaper, what is it about industrial land that is attractive for churches?

Pastor Jones thinks that it is a space issue. About a week ago he was asked what prohibits him from purchasing an already existing church. Well their current facility that they are in is 127 years old and it would be very expensive to update and even if they did update it parking still is an issue. They have been fortunate and blessed that Mancini's allows them to use their parking lot on Sundays, but it becomes challenging sometimes on the weekdays because folks are parking far away. It then becomes a safety issue and also a convenience issue. Pastor Jones thinks that industrial areas afford them the opportunity for parking and expansion. They are considering building in a couple of phases so with that in mind it provides them the space that they need for future growth as well.

13. Craig Smith, representing the 528 Limited Partnership and Brown & Bigelow, Inc., expressed concern over the proposal to collapse the I2 and I3 zoning districts into a single new classification. Their property is currently zoned I2 and their concern is with the potential contaminants to their printing processes that I3-type firms create (i.e. rock/concrete/asphalt crushing), which hampers their ability to produce a quality product. The effect that an I3 operation could have on their 400,00 square foot facility is a serious concern for them. He also asked the Planning Commission to consider the original intent of the I2 zone and that I3 type operations are not consistent with the character of the other development in the immediate area. Mr. Smith also doesn't believe that the

Comprehensive Plan for his area envisioned a heavy industrial operation for that area. They have operated very nicely in this park since 1980 without too many issues. It would create a significant problem for them if this area were to be rezoned and suddenly they find an I3 business operating at full capacity in their backyard. They cannot move their operation without an extensive investment and neither can they risk having potential contaminants complicate their printing process or stand to lose tenants who perceive the same risks. They stand to potentially lose a great deal if these proposed changes are implemented. Mr. Smith has submitted their concerns in writing to the Planning Commission.

14. James McClean, representing the Saint Paul Area Chamber of Commerce, appreciates the focus of the Planning Commission and the City on maintaining industrial property in the city and the jobs and tax base it provides. Their main concern is the addition of design standards in industrial zones where they did not exist before. They understand the importance of design standards, especially in commercial and residential areas, but they think that in the city's limited industrial zones the focus should be on job creation and job growth potential. The Chamber asks the Planning Commission to reconsider the addition of new design standards in industrial zones where they did not exist before.
15. Leslie Ford, Jr., Pastor of the Living Word Church, spoke against the elimination of church, synagogues, and any other place of worship. The major reason for elimination seems to be jobs per acre. He asked the commission members to consider the spiritual and moral needs of the people working in those industrial areas. They shop, buy gas and do business within a five-mile radius of where they work so the elimination of churches in the area where they congregate and do business makes no sense to him. It also appears that churches have been targeted for elimination but churches have been proven to help in the areas where businesses have been allowed to remain such as sober houses, half-way houses, and abuse shelters. He has heard the commissioners use the term live-work and that is okay in the industrial areas, but he wants to expand that from not only "live and work" but worship to be able to have a holistic approach to a human need. Work, eat and to worship God in whichever way a person worships God should still be allowed in the industrial area.
16. Kelley Gaines, also with the Living Word Church, said churches don't just function on Sundays, but actually they are active everyday in doing something in the community. Looking at their building, there are people living on the Fairview side and industrial on the Prior side and they are interested in meeting the needs of the people that live in that neighborhood. They are interested in providing more social services to the community. So when thinking of church it's not just about services on Sunday but they are there to serve people, create jobs, businesses and whatever else they can do to help the city of Saint Paul grow.
17. Tait Danielson Castillo, Executive Director of Frogtown Neighborhood Association, distributed a letter describing their comments and concerns regarding the proposed zoning code amendments for industrial districts. They agree with almost everything that District 12 had to say regarding the amendments. His focus is on the moving of I3 into I2 and he knows that there are not a lot of uses in I3 and it may seem reasonable to bring it into I2 but when he looks at metal shredding and outdoor concrete, asphalt and rock crushing facility that puts fear into the hearts of a lot of Frogtowners. What they're

noticing is that because their residential property is so close to a lot of this I1 and I2 usage, that the pollution control agency doesn't really regulate smell, or anything that isn't really a toxic use. Is a conditional use permit really an appropriate way to prevent some of this dangerous stuff from going into neighborhoods? He says no. The level of enforcement on things in these categories doesn't always work the way we would hope it would. There should be some consideration for spot zoning some I3 if it's needed. Also the Frogtown Neighborhood Association is very excited that the Piercing Faith Church purchased land on Pierce Butler to build their new church. The Refuge Christian Center is renting so the city might have a lot of churches that are in industrially-zoned areas but the city doesn't know about them. They want to see these uses continue.

18. Charles Foye spoke to give moral support to his colleague Pastor AZ Jones. After sitting through these two hearings he recognizes the need for cities to consider economic opportunity as it relates to job creation. He urged the Planning Commission to consider that most of the churches bring value to the moral culture of the city of Saint Paul. A question was asked earlier by one of the commissioners, why would churches be interested in moving to industrial areas? As a former pastor of a church located in a residential community, parking is always an issue. When there are evening services people are somewhat afraid to walk long distances. So industrial areas provide the kind of security that people like to have when they are coming to church. Also, considering individual churches, he has heard from the Pastor at Living Word the many things that they do and it would be a mistake to rule out or eliminate churches from being a part of the community in industrial areas. He hopes the city will not restrict or exclude churches or schools from these industrially zoned areas. And since Piercing Faith Church has already purchased land in this zoning area it would be a travesty to deny this congregation the opportunity to move.

Commissioner Nelson said that there has been a lot of talk about churches being allowed in industrial areas and his concern is that being in an industrial zone the next door neighbor is allowed to have an operation that is smelly, noisy and has a lot of truck traffic coming through. How would churches react to a noxious type of use coming next door that may be operating during services? That's part of what zoning is there to help protect. He would hate to see churches come in and then start pushing industrial uses out because they are complaining about noise and fumes.

Mr. Foye does not think that would happen, because churches have been able to adjust to their surrounding area and many churches in residential communities have had the neighborhood complain because of noise from the music. Churches have attempted to compromise by even changing their order of service, or changing the time of services. Churches have met with neighbors and try to accommodate them in whatever area there are concerns about. Mr. Foye believes you will see a tremendous effort on the part of churches to work with their neighbors.

Commissioner Ochs said that if churches are offering all these other services such as child care, how would you feel if your day care was next to an adult use (adult magazine shop, lingerie shop or sex toys, etc.). Would you would be opposed to that?

Mr. Foye said no that would not be the most desirable place where a church would like to be but at the same time if those types of businesses are going to be considered for this

area then he would certainly think it wouldn't restrict churches from also being considered to be located in these areas. Yes, there may be a problem but if he attempted to purchase a church in the area he would certainly notice the businesses around there. So he would not purchase a church next door to an adult facility. But in the mean time he would not want to be excluded from being able to purchase space within the industrial area because there is an adult facility there.

19. Lesley Ford III is one of the pastors at the Living Word Church and is also the administrator who takes care of all the facilities. He said that they work with their neighbors, including American Paper which they lease space to and also lease space to a couple of other companies. Mr. Ford said that they are working hand in hand with the neighbors and they do have a day care and a trucking company in their facility and all they all get along just fine.

MOTION: *Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 4, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

STAFF SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

One item came before the staff Site Plan Review Committee on Tuesday, May 29, 2012:

- East Side Family Clinic, new 34,000 square foot medical clinic at 895 East 7th street (at Forest).

Two items to come before the staff Site Plan Review Committee on Tuesday, June 5, 2012:

- Grand Hill Carriage House, remove a 2-car garage and construct one new dwelling unit over a new 3-car garage, at 555 Grand Hill.
- Payne Maryland Center, construct a new community center, library and parking lot and renovate existing athletic fields at 1178 Payne (at Maryland).

OLD BUSINESS

#12-048-442 Volunteers of America – Conditional use permit for a Department of Corrections–licensed community residential facility with modification to permit up to 74 adult residents. 1394 Jackson Street, between Arlington and Hyacinth. (Patricia James, 651/266-6639)

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions with a modification to permit 74 adult residents.*

Commissioner Ward asked about the rationale for more than doubling the number of residents that is allowed in the zoning code.



June 4, 2012

Ms. Barbara Wencil, Chair
Saint Paul Planning Commission
1400 City Hall Annex
25 Fourth Street West
St. Paul, MN 55102

RE: Port Authority's Comments on Draft Industrial Zoning Document

Dear Chair Wencil:

In reviewing the March 14, 2012, draft of the Industrial Zoning Study Text Amendment, the Saint Paul Port Authority has the following comments:

1. We appreciate the restriction of residential/dwelling uses in Industrial zoned land (Section 65.143), since Industrial zoned land is becoming scarcer in the City, and we support reserving the land zoned industrial for industry and jobs.
2. We appreciate the thoughtful approach to modifying Section 66.542, Required Design Standards in the IT transitional districts. The changes to the Design Standards take into careful consideration the balance required when job-based industrial construction is located near residential neighborhoods and pedestrian corridors. The standards enhance the pedestrian experience in these more transitional areas, and it is reasonable to assume and expect that businesses choosing to locate in these transition areas would be willing to comply with a slightly higher level of design and more pedestrian features.
3. We strongly oppose the Draft language that these same Design Standards should be applied to all industrial property throughout the City.
4. In Section 66.543, the Draft proposes that IL Light Industrial Districts should comply with all of the Design Standards except that buildings don't need to "hold the corner" with parking in the rear. While we can agree that landscaping and sidewalk requirements might make sense for a light industrial building, there is an undue burden on business owners regarding the following requirements:
 - a. Building facade articulation
 - b. Materials and detailing
 - c. Door and window openings

Businesses that manufacture products or need a large building will be disincentivized to locate here.

5. In Section 66.544, the Draft proposes that IG General Industrial District buildings should comply with the following:
 - a. Materials and detailing
 - b. Door and window openings
 - c. Landscaping and street trees

Much of the IG space in the city consists of large blocks of land/large buildings or buildings located on the river. In most, if not all, cases this heavier industrial land is bifurcated from residential uses and located next to other industrial property. Materials might be cost prohibitive in river corridor areas that are known to flood. Street trees become an undue burden for those that hold large parcels of land.

In preparing to testify for this hearing on the proposed changes to the design standards, we pulled together a small roundtable discussion that included developers and industrial brokers that do business in or are listing properties in the City of Saint Paul. As the basis of our discussion, we provided them the Draft Design Standards handout with photos that were created to show these Design Standards' impact.

Some of the comments that came out of that discussion were:

1. These proposed design standards essentially turn all of the industrial property into office/showroom property. Office/showroom space works for some companies that have a retail component to their business or are bringing in a lot of customers, or have a need for a large office area. This type of space is not the type of space that works for manufacturers who really need to build a shell around their process.
2. Manufacturers won't build to these proposed standards. The City is likely to lose business growth. Manufacturers can choose Minneapolis, or Eagan or China, and there is already a gap between construction costs and bank financing levels in this market. Any additional cost of construction will be a significant incentive for a business to go elsewhere, where there are less stringent Design Standards.
3. St Paul should be making it easier, not more difficult, for business to come to the City and to expand their operations and jobs growth here.

The Port Authority strongly agrees with the City's Comprehensive Plan that we need to retain land for jobs in the City. And the City clearly needs more tax base. Industrial development creates living wage jobs for a wide range of skill levels.

1. The average Industrial Job in Saint Paul pays about \$47,600 per year
2. Creating more industrial jobs is one of the best ways to fight poverty in St Paul (and almost a quarter of St Paul's population lives in poverty)
3. People of all skill levels can obtain these widely varied industrial jobs.

Ms. Barbara Wencil, Chair
Saint Paul Planning Commission
Page 3
June 4, 2012

In addition, a recent Brookings Institution Study has strongly recommended that urban areas need to retain and recruit manufacturing jobs to the City center and that cities should not zone out manufacturing from their City.

We encourage the Planning Commission to revise the Design Standards for IL and IG land to ensure that the City does not unintentionally zone out manufacturers and businesses, with good paying jobs and a significant tax base for a wide variety of skill levels, from locating in our city.

Specifically, there was an early version of the Draft Zoning Standard that did not include Design Standards for 66.544 and only included (4), (6), and (7) for 66.543. We would support the Design Standards with these changes.

Thank you very much for your consideration of these important Design Standards changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis F. Jambois", with a long horizontal flourish extending to the right.

Louis F. Jambois
President

cc: Lorrie Louder, Port Authority
Kelly Jameson, Port Authority
Donna Drummond, PED
Allan Torstenson, PED



SAINT PAUL AREA CHAMBER OF COMMERCE

June 1, 2012

Saint Paul Planning Commission
1400 City Hall Annex
25 Fourth Street W
Saint Paul MN 55102-1623

RE: Industrial Zoning Study and Draft Amendments to the Zoning Code

Dear Planning Commission Members:

The Saint Paul Area Chamber of Commerce appreciates this opportunity to comment on the Industrial Zoning Study undertaken by the city and the related draft amendments to the zoning code. We applaud the city's commitment to preserving industrial land for its intended purpose of economic activity and fostering strong employment and tax bases. We believe the majority of the proposed amendments are positive steps toward that end. However, we are concerned that inclusion of new design standards in areas targeted for the highest level of industrial use may prove counterproductive. We respectfully urge this body to focus on the over-arching goal of enhancing the city's employment base and avoid adding new regulations that increase the costs and therefore the likelihood of new industrial expansion and job growth in Saint Paul.

Design standards that enhance the aesthetic quality, appeal, and continuity are reasonable objectives for inclusion in the zoning code. This is especially true for commercial and residential districts. Yet there should be limited areas in the city where purely aesthetic concerns weigh less heavily than the need to preserve some space for concentrated industrial development and the jobs and tax base that come with it. That is the point of having land zoned for industrial use. Imposing design standards for purely aesthetic reasons increases the costs of expansion and new development making the area less attractive to developers and new businesses. In an economy still recovering from recession, and in an environment where local, state, and national governments are engaged in intense competition to lure new industrial development, increased construction cost could make the difference in a company's decision to expand in Saint Paul or in a location with less stringent industrial design standards.

We hope you will take the above mentioned concerns into consideration and not mandate new design standards in the limited areas zoned for more intense industrial use.

Sincerely,

James McClean
Director of Public Affairs
Saint Paul Area Chamber of Commerce
Direct: 651.265.2795
james@saintpaulchamber.com



**Building A
Stronger Midway**

President's Circle

Park Midway Bank

Wellington
Management, Inc.

Walsh Construction

Xcel Energy

Director's Circle

American Engineering
Testing, Inc.

Anchor Bank

Colliers International

Hamline University

McDonald's

Pioneer Press

Builders

Associated Bank

Comcast Business Class

FastSigns - Roseville

Grand Casino
Mille Lacs/Hinkley

Hubbard
Broadcasting, Inc.

Mintahoe Catering
& Events

Mortenson Construction

St. Paul Port Authority

Western Bank

June 1, 2012

RE: Industrial Zoning Study:
Draft Zoning Text Amendments, March 14, 2012

Madam Chair and Members of the Saint Paul Planning Commission:

The Midway Chamber supports the effort by the City of St. Paul to strengthen industrial zoning in the city in order to foster the creation of jobs, enhance business growth and build a stronger tax-base in support of services to its residents.

Better utilization of industrial zoned land generates valuable tax revenue for the City as well as creating high-paying jobs that are in close proximity to the residents who need them.

The Chamber generally agrees with the "use" changes that are proposed in the March 14th Draft Zoning Text Amendments (the Draft). These "use" changes work toward preserving industrially zoned land for industrial uses. Industrially zoned land can be some of the most valuable land in the city capable of generating the highest level of tax revenue for the city. With a dwindling supply of this land in the city it makes most economic sense for the city to assure that it is, first of all, tax generating land and, secondly, capable of generating the highest level of tax revenue and job creation possible.

When it comes to broadening the application of design standards, originally intended only for the I-R zone modeled after Traditional Neighborhood standards, the Chamber is concerned about the effects that can have on attracting new industrial development. It makes sense to apply these standards to the I-R zone, which they were intended for, but not to broaden their application, as proposed in the Draft, to Light Industrial and General Industrial zones (I-1 and I-2).

Standard No. 3 in the Draft, relating to acceptable building materials, does not appear to be a problem in its application to all three industrial zones. Our discussions indicate that these are acceptable building materials in the industrial construction community.

The Chamber is also very supportive of the proposed application of Standard No. 5, regarding parking, to only the I-R zone. Contemporary industrial development in the I-1 and I-2 zones demands flexibility in the design of parking and circulation patterns, in order to accommodate the functions of their processes in these buildings.

The Chamber is also in agreement with the Draft in terms of the application of Standard No. 1 - buildings anchoring the corner - to only the I-R district. Light and General industrial uses very often do not work on a site without vehicle and/or truck circulation around the entire building.

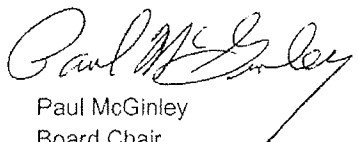
The Midway Chamber does not support the application of the other four design standards to the I-1 and I-2 zones. These are the only zones available in the city for the development of good-paying, local jobs in the manufacturing and industrial sectors of our economy. It is imperative that the city be as inviting as possible in order to attract this type of development in the limited areas where it is allowed in the city. With a dwindling supply of this type of land in the city, and a need for the good jobs and net excess

revenue that industrial uses generate, it only makes sense to facilitate the highest use of this land type. The city cannot afford to zone itself out of the opportunities to attract and encourage manufacturing and industrial jobs. It should be doing everything in its power to work with and foster tax-generating industrial development.

In our research and meetings on this topic, the Executive Committee of the Midway Chamber has learned some important facets of this issue that should be stressed. They are:

- There has been a continuing conversion of land away from industrial use in the City of St. Paul since 1984. This is clearly portrayed in a graph available on the West Midway Task Force web site titled... "Changes in Metropolitan Council Land Use from Industrial to Residential & Commercial."
- We have also learned, from various industrial brokers in the City, that there is a very small margin in the cost of constructing an industrial building, which could determine whether to construct in one location or another. The increased cost of a development as a result of the application of one or more of the design standards in St. Paul could result in the jobs and taxes being generated in a different city. At a recent seminar on the projections for land development in the region there were several cities and counties that gave presentations stressing their cooperative focus in accommodating commercial and industrial development. Their mantras were: if you, as a developer, suspect that there is some impediment in our code that may make it undesirable to locate here, come and talk to us and we will do whatever we can to accommodate your needs. Imposing further restrictions and design standards in St. Paul conveys exactly the opposite approach.
- Residential users in St. Paul utilize about \$1.10 to \$1.20 in city services for every \$1.00 in tax revenue paid.
- Industrial users in St. Paul utilize about \$0.70 in city services for every \$1.00 in tax revenue paid.
- Industrial uses generate excess revenue for the City of St. Paul. If the City deters industrial development or facilitates the use of industrial land for lesser uses, or non tax-generating uses, the logical result is that the City has to raise taxes elsewhere or reduce services!

In conclusion, the City of St. Paul should be looking for every possible way to attract the highest industrial uses on its limited industrial land, where good jobs and tax revenue can be generated. The City should avoid, when possible, imposing further requirements that may deter such development.



Paul McGinley
Board Chair
Midway Chamber of Commerce



Kari Canfield
President / Executive Director
Midway Chamber of Commerce

University UNITED

712 University Avenue, Suite 105, St. Paul, MN 55104 (651) 647-6711

Remarks before St. Paul Planning Commission on the Draft Industrial Zoning Brian McMahon, June 1, 2012

The Saint Paul Comprehensive Plan calls for a study of how the Zoning Code can be strengthened to protect the City's employment base. The Comprehensive Plan places a high priority on creating land areas for businesses that foster job creation and vibrant economic activity.

Perhaps the two most important measurements of economic activity, from a community development standpoint, are job density and tax base. Transit oriented development (TOD), with its high density land uses linked to mass transit, consistently out performs all other types of development in both categories. Even industrial areas can benefit from TOD principles which will maximize job opportunities and tax base. The key is *intensity of land use*. For this reason, I suggest that the FAR limitations and Height Maximums in the present draft industrial zoning be removed.

There is a general correlation between FAR and job density, as seen in the attached chart. However, it should be noted that with modern industrial distribution practices there is a correlation between large single warehouses and **LOW** job density. These single story huge warehouses have few workers and many undesirable environmental impacts. Perhaps the new zoning code could limit these negative effects by imposing restrictions on the size of contiguous floor area. At University UNITED, we have done a number of design studies that examine the relationship between the form of the built environment and job density. I urge that the St. Paul Planning Commission undertake similar studies which should be the basis for changes in the industrial zoning code.

We hope to see a minimum density of 20 jobs per acre within the industrial area. Some cities require 50 jobs per acre. Perhaps minimum job densities could be an expressed requirement of the zoning code, similar to the job covenants found in projects of the Port Authority. (We prefer, however, that the density be measured on the acreage of the site rather than the square footage of the building.)

Finally, we urge that the city establish an economic development goal of increasing the percentage of manufacturing jobs in the city from 6% to the national average of 15%.

Development Density along University Avenue

University UNITED July 18, 2006

PROJECT	SITE AREA (acres)	BUILDING SIZE (sq.ft.)	PARKING STALLS	JOBS (FTE) ¹ / HOUSING UNITS	JOB DENSITY (jobs/acre)	FLOOR TO AREA RATIO ²	HOUSING DENSITY (units/acre)
WILDER FOUNDATION	3.2	99,136	375	350	109	0.71*	
RONDO LIBRARY/ DALE ST. APTS.	1.27	165,000		30/100	24	3.0	79
CVS PHARMACY	0.97	15,192	48	30	31	0.36	
ALDI'S	1.24	15,179	61	12	10	0.28	
SUPERTARGET	15.24	187,000	640	300	20	0.28	
MENARDS	10.7	200,000	387	225	21	0.51	
EMERALD GARDENS AND 808 BERRY	7		328 (just Emerald Gardens)	471 units			70

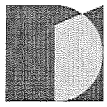
¹Full Time Equivalents (FTE)—estimated with retailers because of large percentage of part-time workers

² Definitions found in Section 60.207.f of the St. Paul Zoning Code:

Floor area ratio (FAR) The total area of all buildings or structures on a zoning lot divided by the area of said lot.

Floor area. The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

*Structured parking excluded in FAR calculation. Also, Wilder opted to build a private greenspace.



May 29, 2012

To: Saint Paul Planning Commission
From: District 1 Community Council
Re: Industrial Zoning Code Change Proposals

The District 1 Community Council supports the proposal to create design standards for industrial districts in the belief that an urban environment should reflect an emphasis on walkable, livable neighborhoods.

The District 1 Community Council understands the opposing concerns that both the City and some neighborhoods have about locating schools, churches and residential uses within industrial areas, but believes that requiring a conditional use permit would address all of these concerns. The best use for a particular area should be addressed on a case-by-case basis, as a conditional use permit request allows. We feel, however, that there are larger concerns about proximity between some uses and residential areas that we will discuss below.

Within District 1, we have one of the two areas in the city currently zoned I3. We are concerned about the proposal to combine that zoning district with areas currently zoned I2 to form a new IG zoning category. Our concerns are as follows:

1) The use of conditional use permits and variances to govern uses that have traditionally been more isolated means that these uses could be expanded to areas that are densely populated and are not currently home to such uses. The ease with which a CUP can be obtained means it would be highly unlikely that these uses would be restricted at all. On the one hand, this might seem a more equitable way to deal with locating these uses. But because of the "opportunity" for public input to influence these decisions represented by the hearings for CUPs and variances, those areas that are more politically savvy will be more likely to keep these uses from their areas. Historically, these uses have been located in lower income neighborhoods. The proposed changes threaten to concentrate these uses in areas of low political or social capital – we need to ask ourselves how political capital is related to economic status. Additionally, because the criteria for approving CUPs and variances include the finding that the proposed use will not adversely affect the existing character of the neighborhood, there would seem little likelihood that the uses would be any place other than where they already are. In other words, use of CUPs and variances is not an effective way to control unwanted or hazardous uses or to prevent their concentration in certain areas. We need to ask ourselves if there are uses that have no place at all in an urban area, despite the desire to grow the tax base and support businesses and the jobs they produce.

2) In District 1, we are concerned about the concentration of industrial uses in ecologically sensitive areas. Although we recognize that the Mississippi River is a working river, it is also the

water source of communities downstream from us. It is, within the city's borders, habitat for wildlife that has only recently been on the rebound. We are concerned that we are likely to see a concentration of potentially hazardous uses along our riverfront. We are also concerned that the noise issues that we already face in District 1 from the industrial uses will increase in severity and frequency. We do not feel that the changes to the code take into account hazards from water pollution and from noise to both residents and to wildlife. Does protection of the river play any role in whether these changes are appropriate? We feel it should but that it is not reflected in the proposal. Although there is some transportation logic that places tank farms near the river, for example, recent events in the south metro demonstrate that accidents happen with these storage facilities, leading to potential contamination of the river. There need to be stringent controls on distance from the river for these uses.

3) The changes to the distance requirement between particular industrial uses and areas zoned residential or as parklands are being made to provide uniformity and "clarity" when the effects of these uses is not uniform. The purpose of the changes seems to be to make application of standards rote for city staff. But the effect on neighborhoods is not uniform. Crushing facilities, incineration of infectious waste, and production of asphalt each have impacts on neighborhoods that will not be addressed by a 300 foot buffer. Noise, dust, potential groundwater pollution, noxious smells all have the potential to negatively impact the health and well being of residents. We want to remind the Commissioners that some residents within District 1 – those closest to the industrial area – have private wells that risk contamination from existing uses let alone intensification of use. A 300 foot buffer does not address this. We want to remind the Commissioners that the City of Saint Paul has recently been given an F grade for air quality because of an increase in particulate matter – increasing the number of crushing facilities within city limits may decrease the miles traveled, but will increase airborne particulate matter. A 300 foot buffer will not address this. We would also remind the commissioners that there is increasing scientific evidence that noise has a strong negative impact on health. What we may be gaining in tax base, we may be losing in increasing medical costs for residents. A 300 foot buffer will not address this. Again, we suggest that there may be uses that are not appropriate for an urban area.

Thank you for the opportunity to comment and for considering these concerns.

DISTRICT 2 COMMUNITY COUNCIL

SERVING THE NEIGHBORHOODS OF NORTHEASTERN SAINT PAUL

PARKWAY/GREENBRIER • BEAVER LAKE HEIGHTS
PROSPERITY HEIGHTS • HAYDEN HEIGHTS
PHALEN VILLAGE • LINCOLN PARK
EAST PHALEN • HAZEL PARK
FROST LAKE • HILLCREST

May 29, 2012

To: Saint Paul Planning Commission
From: District 2 Community Council
Re: Industrial Zoning Code Change Proposals

The District 2 Community Council supports the proposal to create design standards for industrial districts in the belief that an urban environment should reflect an emphasis on walkable, livable neighborhoods. Though we have limited areas of industrial zoning in District 2, we would very much want to support the concerns of our neighbors in District 1 and in particular these points.

Within District 1, is one of the two areas in the city currently zoned I3. We are concerned about the proposal to combine that zoning district with areas currently zoned I2 to form a new IG zoning category. We believe that combining the zoning categories helps neither the neighborhoods with I3 zoning district nor those with I2 districts.

We are concerned about the concentration of industrial uses in ecologically sensitive areas. Although we recognize that the Mississippi River is a working river, it is also the water source of communities downstream from us. We are concerned that we are likely to see a concentration of potentially hazardous uses along our riverfront. We are also concerned that the noise issues that already face in District 1, 3 and 4 from the industrial uses will increase in severity and frequency. We do not feel that the changes to the code take into account hazards from water pollution and from noise to both residents and to wildlife.

The changes to the distance requirement between particular industrial uses and areas zoned residential or as parklands are being made to provide uniformity and "clarity" when the effects of these uses is not uniform. The purpose of the changes seems to be to make application of standards rote for city staff. But the effect on neighborhoods is not uniform. Crushing facilities, incineration of infectious waste, and production of asphalt each have impacts on neighborhoods that will not be addressed by a 300 foot buffer. Noise, dust, potential groundwater pollution, noxious smells all have the potential to negatively impact the health and well being of residents.

Sincerely,



Chuck Repke
Executive Director



UNION PARK DISTRICT COUNCIL

1570 Concordia Avenue, Suite LL100, Saint Paul, MN 55104
p 651-645-6887 | f 651-917-9991 | e info@unionparkdc.org | w www.unionparkdc.org

May 30, 2012

City of Saint Paul
Department of Planning and Economic Development
1300 City Hall Annex
25 West Fourth Street
Saint Paul, Minnesota 55102

Re: Industrial Zoning Study

To the members of the Saint Paul Planning Commission,

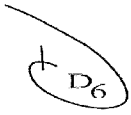
At a meeting of the Union Park District Council Land Use Committee on May 8, 2012, the Committee supported the following position regarding the Industrial Zoning Study:

The Union Park District Council Land Use Committee encourages pedestrian-friendly amenities (sidewalks, streetscaping and pedestrian access) throughout the industrial zone, especially in IT (transitional) districts to allow greater transportation options for users of the zone.

Thank you for your consideration during this process.

Sincerely,

Sarah Kidwell
Executive Director



District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

May 29, 2012

Planning Commission Members:

The District 6 Planning Council supports the reasoning behind the creation of the Industrial Zoning Study and supports the majority of the proposed zoning text amendments and is greatly concerned with other amendments:

District 6 Planning Council supports some type of design standards for industrial districts that promote aesthetic qualities, as long as the standards are not cost prohibitive to draw new business to Saint Paul. District 6 Planning Council agrees that buildings should anchor the corner and that there is a need for building façade articulation and that the buildings should be constructed with higher quality materials, however as stated before we would hope that any zoning amendments would not ensure that business would not locate to Saint Paul. District 6 Planning Council also supports the Saint Paul Port Authority in having a voice and agreement regarding any design standards.

District 6 Planning Council supports 2.21 under the heading Regulation. District 6 Planning Council is home to industrial sites and we feel that the industrial sites should not be utilized for any residential uses, but stay industrial thereby raising the diminishing tax base. There is a need for revising the conditional review and the industrial sites and character need to be protected, residential uses should not be allowed in industrial sites simply because certain uses may be unwelcome in other parts of the City. Above all industrial zoned land needs to be used for economic bases.

District 6 Planning Council supports the revision of permitted uses in industrial areas to ensure compatibility and to protect the employment base. Uses need to strengthen the industrial sites, not undermine the sites by allowing uses that do not strengthen the economy.

District 6 Planning Council supports eliminating churches and schools being permitted in industrial areas. While it may limit locations for proposed new churches and/or schools it would safeguard the limited industrial sites found throughout the City.

District 6 Planning Council does not support the elimination of 13 Industrial Districts. District 6 is home to industrial sites throughout the planning district. There is a need to monitor and discuss with neighborhoods before the heaviest uses are allowed in an industrial site.

Thank-you for your consideration of District 6 Planning Council's comments, we hope the zoning code will be beneficial to our neighborhood and the City of Saint Paul by recognizing that by safeguarding the industrial sites, the economic/employment base may benefit.

Regards,

Ray Andresen

Ray Andresen
Board of Director's Chairman

Jeff Martens

Jeff Martens
Land Use Chairman

Cc: Ward 5
Ward 1
North End Business Association



May 14, 2012

Dear Saint Paul Planning Commission Members:

The Saint Anthony Park Community Council (SAPCC) submits this letter describing its comments and concerns regarding the proposed zoning code amendments for industrial districts in the City of Saint Paul. The SAPCC has four primary comments regarding the amendments:

1. The SAPCC strongly supports the creation of Design Standards for industrial districts that encourage walkable, livable communities through requirements that industrial buildings 'hold the corner,' permit parking only to the side or rear of newly constructed buildings, and prohibit the use of certain low quality building materials. Additionally, the SAPCC opposes proposed language granting the zoning administrator discretion to permit up to two rows of parking spaces between the building.
2. The SAPCC opposes the removal of schools and churches as principal uses within industrial zones.
3. The SAPCC opposes the reduction of permitted residential uses within industrial zones.
4. The SAPCC opposes the elimination of the I3 zoning classification.

1. Design Standards

With the arrival of light rail in the SAPCC neighborhood only two years away, it is critical that the inevitable increase in new construction in the vicinity of University Avenue reflect the goals of the community. These goals are not strengthened by industrial buildings that are set far back from the street, lack public sidewalks, and are separated from the street by rows of parking. Further, the design standards should be mandatory and not permit the zoning administrator to exercise discretion in permitting exceptions; instead, the building owner may pursue the traditional variance procedures if an exception to zoning regulations is proposed.

Buildings that 'hold the corner' define the space for the neighborhood in a meaningful way and aesthetically pleasing way. Rather than simply permitting a new building to place some object or art piece on a corner, SAPCC encourages the implementation of design standards that require construction of industrial buildings closer to the sidewalk.

Siting of parking within an industrial property also strongly impacts the neighborhood. Parking that separates a building from the street decreases a sense of walkability by creating a large space between the street and separating the building. By contrast, a building that is constructed closer to the sidewalk and street creates a defined space that promotes the use of the area by pedestrians.

SAPCC supports the amendment to Section 66.542(a)(3) that prohibits use of certain building materials, such as synthetic stucco products and plain concrete blocks. SAPCC also encourages the Planning Commission to include on this list pre-cast concrete panels for building walls, which in the experience of SAPCC are unappealing and an eyesore. Further, SAPCC encourages the Planning Commission to require that building siding not be constructed of only a single material, but instead use a variety of materials to articulate the building and help incorporate it into the surrounding neighborhood.

Proposed language that grants the zoning administrator the discretion to permit up to two rows of parking between the building and the street is not supported by SAPCC because the intent of the design standards is to create mandatory, non-discretionary requirements for a minimum acceptable building in industrial districts. If the zoning administrator is permitted the discretion to override this critical aspect of the design standards, then this exception threatens to swallow the rule.

2. Churches and Schools

The primary challenge facing new churches and schools is obtaining an affordable, existing building for their organization. In a great many cases, industrial areas are the only locations where such buildings are available. Eliminating areas zoned industrial from the locations that churches and schools may exist would severely constrain the already limited options available to these organizations. In Saint Anthony Park, the proposal to eliminate schools as a permitted use in industrial areas would mean that the High School for Recording Arts would not have located here. In addition, we have one particular church which would be more ideally located in an industrial area given the disruption it causes to the neighborhood. Finally, further constraining the permitted uses in industrial areas is also bad economic policy – by preventing the market from dictating whether churches and schools or more traditional industrial activity to take place, the proposed policy could create higher vacancy rates in Saint Anthony Park and diminish the quality of residents' lives.

The SAPCC strongly opposes eliminating churches and schools as permitted uses in industrial areas.

3. Residential Uses within Industrial Districts

In recent years Saint Anthony Park has benefited greatly from the construction of residential buildings around areas zoned for industrial use. Such residential buildings are constructed with an understanding of the pre-existing industrial uses in the area. We are aware of two potential residential mixed-use projects in the planning stages in and around Saint Anthony Park, including, for example, a large mixed-use facility by the PLACE organization. This facility and others fall within the Creative Enterprise Zone ("CEZ") of Saint Anthony Park, which encourages such mixed-use facilities that allow artists and others to live and work in the same building. Further information regarding the CEZ can be found at www.sapcc.org/cezplan or <http://www.facebook.com/CreativeEnterpriseZone>.

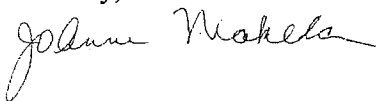
Finally, prohibiting residential uses in industrial districts unreasonably limits the ability of individuals to choose where they want to live. The individuals who choose to live in areas zoned industrial are rational human beings making a choice based on the existing industrial uses around their new home. We believe that mixed uses in a neighborhood add vibrancy and interest in a way that serves both the residential and industrial users.

4. Elimination of I3 Zoning Category

Saint Anthony Park contains a substantial amount of I2 zoned land in our substantial industrial area. Eliminating the I3 zoning category would allow the heaviest industrial uses to occur in the heart of our neighborhood, in locations that are mere blocks from large residential developments, schools, and parks. While we recognize that there are only a few allowable uses currently in I3 zoning that would move to I2, we are chiefly concerned with the prospect of rock crushing and the impact it would have on surrounding businesses that require a clean environment, such as the production of medical technologies.

Thank you for your consideration of our comments. We look forward to a zoning code and industrial area that is a continuing benefit to Saint Anthony Park and the City of Saint Paul.

Sincerely,



JoAnne Makela, Co-chair of the Board of Directors

CC: Councilmember Stark



JANICE RETTMAN
Serving District 3
Ramsey County Board of Commissioners

June 4, 2012

MEMORANDUM

TO: Ms. Barbara Wencil, Chair and members of the Planning Commission

FROM: Janice Rettman 

RE: Zoning Text Amendments

Ms. Barbara Wencil, Chair and members of the Planning Commission:

I have reviewed the proposed changes to the zoning code regarding industrial uses and have heard from some of the planning districts that I represent. Based on my own review, my past service on the City council and their comments, I concur with Districts 7, 12 and 6 that the proposed industrial zone changes will not protect residential uses from encroachment by business activities that can and will impact the quality of life for residents.

By the same token, I know the boon that retaining and creating new manufacturing and industrial jobs is critical to the neighborhoods vitality and well being. Just one of the many "Cases in Point" is the new Maxson Steel/Dale street shops revitalization done in concert with District 6 and 7, the City, County, and Port Authority. With the new hire outreach, those businesses have added to the tapestry of both the Frogtown and NorthEnd/South Como communities.

First, the 300' distance requirement is about one-half block and would require heavy traffic on streets that have residential structures on them. These are not structures but are homes to families, many with children, who will have made purchase decisions based on what is present, not what could be approved by a future planning commission or city council. Any heavy industrial uses that were restricted to I-3 zones can now be located in I-2 or "IG" zones - near residential homes. And 300' is very near.

220 Courthouse
Ph: 651-266-8360

15 West Kellogg Boulevard
www.co.ramsey.mn.us

Saint Paul, Minnesota 55102
Fax: 651-266-8370

These are also the homes of people who have health issues, especially respiratory issues, as identified by the recent study by the American Lung Association. According to the report, Ramsey County *earned an "F" and its score for particulate pollution has dropped each year since 2010, when it earned a "C" grade*. The St. Paul/Ramsey County Department of Public Health has further noted that the I-35E and I-94 corridors, which include Districts 6, 7 and 12, have a much higher number of respiratory illnesses than anywhere in the city. Any business with heavy truck traffic or that generates dust will have a significant impact on the health of these communities as well as impact property values. And while conditions may be established to control dust and volume, governmental agencies will not be able to enforce the requirements to the highest extent.

Secondly, in the District 7 community, we are very concerned about heavy industrial uses along Pierce Butler and in a couple other I-zones that would impact neighboring residential uses. There are a number of homes on the north side of Pierce Butler in front of existing businesses as well as just across the street. There is also at least one "spot-zoned" industrial district surrounded by commercial and residential zones. It was not very long ago that the neighborhood had to deal with the mountain of used asphalt – and the dust it created – at Total asphalt on Minnehaha. Life is now more tolerable without the noise, truck traffic and wind-blown filth that infiltrated homes for several blocks. It is inconceivable that the city would be making plans to re-institute facilities that it spent so much time and energy moving a short time ago.

Third, the proposed changes still permit residential uses in industrial zones but they generally would be required to have office or other uses on the first floor. This is inconsistent with the city's efforts to use such zones for jobs and higher tax capacity.

Fourth, the proposed ordinance does not set an upper limit for the height of an obscuring wall, landscape buffer, etc. It is conceivable that a business next to a long-standing residential use could have a pile of sand, dirt, concrete or other material as high as 25 or 30 feet if trees are used as part of the buffer.

As a result, I believe the proposed zoning changes should

- 1) Require at least a 1 block buffer (660 feet) or more from residential uses for new I-2 and I-3 businesses;
- 2) Prohibit I-3 type businesses such as asphalt plants, rock crushing operations, vehicle storage yards, salvage yards, hazardous waste transfer stations, etc. within at least 1 block from residential uses, not zones;
- 3) Prohibit future residential uses from industrial zones;
- 4) Set a maximum height for walls, fences or other barriers.

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May 31, 2012

Saint Paul Planning Commission
25 West Fourth Street
Saint Paul, MN 55102

**Re: Industrial Zoning Study; Protected Rights of Piercing Faith Church Under
RLUIPA**

Dear Members of the Saint Paul Planning Commission:

Our client, Piercing Faith Church (the “Church”), is a growing congregation that has invested considerable time, money, effort and faith over the past twelve years to raise funds to construct a new worship facility in Saint Paul to replace its current outdated and undersized facility at 325 Goodrich. In 2004, the Church was able to purchase land at 733 Pierce Butler. Since then, the Church has continuously raised funds in pursuit of building its new place of worship, which is on track to begin construction of the first building phase this year.

The Church’s land is currently zoned I1, Light Industrial. The City of Saint Paul (the “City”) has proposed amendments to the Industrial Districts Use Table of the Zoning Code which, if implemented, would prohibit the construction of the new worship facility. Such a result would be devastating to the Church, which has already invested more than a million dollars in the acquisition of this property and in professional development planning. Apart from the personal and practical impact on the Church, the City’s proposed amendments would be a violation of the Federal Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”).

RLUIPA is a Federal law which provides that “[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 U.S.C. §2000cc(b)(1). This is known as the “Equal Terms” provision. Because RLUIPA does not define “assembly” or “institution,” the courts have construed these terms in accordance with their ordinary or natural meanings:

An ‘assembly’ is ‘a company of persons collected together in one place [usually] and usually for some common purpose (as deliberation and legislation, worship, or social entertainment),’ or ‘[a] group of persons organized and united for some common purpose.’

May 31, 2012

An institution is 'an established society or corporation; an establishment or foundation esp. of a public character,' or 'an established organization, esp. one of a public character'

Midrash Sephardi, Inc. v. Town of Surfside, 366 F.3d 1214, 1230-31 (11th Cir. 2004) (citations to dictionary references omitted).

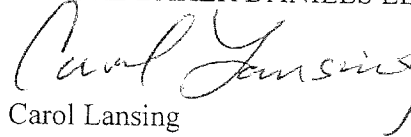
Currently, both religious and several types of nonreligious assembly uses and institutions are permitted in the Light Industrial District. The proposed amendments would prohibit religious assemblies and institutions, but continue to allow the following nonreligious assemblies and institutions in the Light Industrial District: clubs, fraternal organizations, lodge halls, museums, funeral homes, and reception halls. The *Midrash Sephardi* case is directly on point in holding that a city zoning ordinance which permitted private clubs and other secular assemblies in its business district, but prohibited religious assemblies and churches in the same district, violated the Equal Terms provision of RLUIPA.

We understand that the intent of the amendment is to support the primary intent and purposes of industrial districts for employment and economic activities. It is clear, however, that allowing such nonreligious assembly and institutional uses, along with several residential uses, while prohibiting churches is unequal, discriminatory treatment of religious uses. Further, regardless of the intent or rationale of the proposed amendments, exclusion of only religious assemblies and institutions is a violation of RLUIPA.

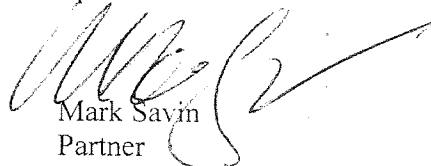
For Piercing Faith Church, this matter is not an abstract or interesting question of planning policy or Federal law; the City's proposed amendments would result in a great loss, both financially and spiritually. In this case, the proposed amendments are both bad policy, discriminatory and illegal. We urge the Commission follow the right course, both legally and in understanding of our client's particular situation, and recommend that religious institutions remain permitted uses in the Light Industrial District. We appreciate your careful consideration of this matter.

Respectfully,

FAEGRE BAKER DANIELS LLP



Carol Lansing
Special Counsel



Mark Savin
Partner

cc: Allan Torstenson
Pastor AZ Jones

Allan Torstenson - Industrial Zoning Study - Public Comments

From: "Robert O. Straughn" <ROS@mcgrannshea.com>
To: "allan.torstenson@ci.stpaul.mn.us" <allan.torstenson@ci.stpaul.mn.us>
Date: 6/2/2012 11:45 AM
Subject: Industrial Zoning Study - Public Comments
CC: "donna.drummond@ci.stpaul.mn.us" <donna.drummond@ci.stpaul.mn.us>, "A..."

Dear Saint Paul Planning Commission Members:

I hereby submit this additional information to address questions or comments that were raised by members of the Planning Commission after I gave my testimony at yesterday's public hearing. Please include this additional information in the public record.

Several questions related to whether a church would want to locate in an industrial district where it might be near a "smelly" or otherwise undesirable neighbor. I would direct your attention to Calvary Chapel in Santa Barbara, California. For at least 20 years, Calvary Chapel has been located at the end of in one wing in a large warehouse facility. Just over a wall about 60 feet to the west is the El Estero Wastewater (Sewage) Treatment Plant. The entrance to the warehouse complex is immediately across the street from the Santa Barbara Rescue Mission.

This industrial site works well for Calvary Chapel. Calvary Chapel has a seating capacity of 800, and offers several worship services in English and Spanish. Adequate parking is available for worshipers on Sundays and warehouse activities during the week. It is a good example of the type of flexible, mixed use arrangement that should be encouraged in built-up cities like Saint Paul.

Robert O. Straughn
McGrann Shea Carnival
Straughn & Lamb, Chtd.
800 Nicollet Mall, Suite 2600
Minneapolis, MN 55402
Tel. 612-752-1906
Fax. 612-339-2386

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St. Paul Planning Commission Zoning Comments

May 30, 2012

Dear Saint Paul Planning Commission Members
(Attention Allan Torstenson)

As a representative of the Creative Enterprise Zone located within Saint Anthony Park District 12, I write to express the concerns of our diverse group of community volunteer leaders about the proposed changes to the industrial zoning. Our group is working to promote the area as a place welcoming of mixed uses and urban design standards, diverse and thriving enterprises and productive and creative work. We share the four concerns expressed by the St. Anthony Park Community Council documented in their May 14 letter to the Commission and add our concerns to them.

We also share the goals of the Planning Commission to promote industrial work within the Zone that radiates out from the Raymond and University Ave area; many of our current buildings and available real estate are well suited to these uses. However, the zoning proposal, which will have the affect of narrowing the allowed uses within the area, may well have the opposite of the desired effect and may push out the very productivity we all seek.

Specifically, our concern is that the attempt to narrow and constrict the entities that can locate and work in the area will negatively affect the goals expressed by the community for our future and will not be inviting to the very developments and industry we know we need there. For example, the Creative Enterprise Zone Action Team have been talking with a company interested in locating within the Zone. Attracted to the prime central location, proximity of transit, the prospect of building housing attractive to their employees (who are bike and transit users), and the mix of activities that make the area a community, they want to bring a whole new industry to the area. They have expressly said with a narrowing of the zoning, they would not be interested in locating in the area to build their plant and bring with them jobs and other industries that will want to co-locate with them.

Removing activities that have found a home within the area such as theaters, schools and live/work housing, and trying to predict the kinds of industry that will flourish in the future might make it more difficult to navigate the dramatic shifts of economics, technology, consumer demands and innovation. We believe that supporting and nurturing the diversity of relationships and enterprises that promote innovation will foster industries of the future and bring tax revenues and work to St. Paul.

The proposed narrowing and constriction reflects a step backward from the activity now underway inside the Zone where market forces are at work to encourage and attract new kinds of industry, exciting proximities of innovators and an appreciation of the existing assets of the area (transportation, available buildings, etc.). We urge the Planning Commission to reject the recommendations to narrow the uses in the industrial zone.

Respectfully,

Catherine Reid Day
Creative Enterprise Zone Action Team
catherine@storyslices.com
651-354-5901

May 31, 2012

Saint Paul Department of Planning and Economic Development
1300 City Hall Annex,
25 West 4th Street,
Saint Paul, MN 55102

My name is Craig Smith, I represent 528 Limited Partnership and Brown & Bigelow, Inc. We are the owners of the Brown & Bigelow facility located at 345 Plato Boulevard. Our facility is located at 345 Plato Boulevard East, just to the west of Holman Field

I am writing to you to express our concern over the City of St. Paul's proposal to collapse the I2 and I3 zoning districts into a single new classification.

We are currently zoned I2 and our 2 major concerns with regard to this proposal are the potential contaminants to our printing processes that I3-type firms (i.e. rock/concrete/asphalt crushing) create which hampers our ability to produce a quality product and secondly, the effect that an I3 operation can have on the industrial property values in the surrounding area. (For the record, we have been very involved at the planning commission and the city council meetings as an opponent to Semple Enterprises asphalt and concrete crushing operation's efforts to gain a permanent permit to operate a crushing entity adjacent to our facility).

Brown & Bigelow, Inc, also owned by my family, occupies approximately 50% of our facility and is a 100 year old printer of business to business calendars. The facility was built in 1980 by the St. Paul Port Authority specifically to Brown & Bigelow's requirements and B&B has occupied the facility since 1980. We operate a variety of traditional and digital presses, all of which are susceptible to dust which contaminates the printing process and hampers our ability to produce a quality product.

528 Limited Partnership's other major tenant is Vomela, also a printing firm which occupies approximately 40% of our facility and utilizes similar printing technology to our own, but for a different market. Their equipment is every bit as susceptible to contaminants like dust as our own equipment is.

We cannot financially operate our facility without tenants like Vomela and even the perception that contaminants may be a problem would be enough for a tenant like Vomela to choose not to renew their lease or for another potential tenant to choose to operate their business elsewhere. No tenant or potential tenant wants to run the risk of contaminants affecting their manufacturing process or listen to employee complaints about noise and dust on their cars. Our final 2 tenants are Grainger and the St Paul Public Schools Professional Development Center for ISD 625. I can't see how this rezoning would provide a benefit to either of these tenants either.

Additionally, dust creates problems for the HVAC system in our facility as the dust infiltrates our cooling tower located on our roof and settles as sludge in the pans, potentially plugging our equipment. We also have issues with the dust that would also require additional filtration costs for our air handlers.

I would also ask you to consider the original intent of the existing zoning.

- 1) I-3 type operations are not consistent with the character of the other development in the immediate area which is predominantly light industrial and office/warehouse buildings.
- 2) I also don't believe that the comprehensive plan for this area envisioned a heavy industrial operations for this area otherwise if the original zoning would have been I3 rather than the current I2.

As to the property value issue, I think it can be said without too much difficulty that not every I2 business wants to be located next to the eyesore that is typical of an I3 operation and it is our belief that that such zoning would make it potentially difficult to attract and keep potential new tenants at competitive rates, thus having a negative impact on our property value.

Lastly, I would like to say that we have operated very nicely in this park since 1980 without too many issues. It would create a significant problem for us if this area were to be rezoned and suddenly find ourselves with an I3 business operating at full capacity in our backyard. We cannot move our operation without an extensive investment and neither can we risk having potential contaminants complicate our printing process or stand to lose tenants who perceive the same risks.

We have worked hard to build this business and we stand to potentially lose a great deal if these proposed changes are implemented. I urge you to please give our concerns your consideration.

Sincerely,

Craig Smith
Vice President
CMS/lom

Allan Torstenson - Proposed Zoning Industrial Zoning Changes

From: Kurt Schreck <JKSchreck@atlastgourmetfoods.com>
To: <allan.torstenson@ci.stpaul.mn.us>
Date: 5/31/2012 4:26 PM
Subject: Proposed Zoning Industrial Zoning Changes

Dear Mr. Torstenson,

I attended the earlier St. Paul industrial zoning community meeting, which detailed the proposed new amendments to the public. Although At Last! Gourmet Foods currently operates in Minneapolis, I was in attendance because we are exploring new plant locations, which include the Midway district. In early discussions with the St. Anthony Park organizers, we stressed the eclectic nature of the current district as an important part of the attraction for ALGF.

We currently operate At Last! Gourmet Foods on the northern fringe of a semi-industrial area at 24th and Minnehaha Avenue in the Seward neighborhood of south Minneapolis. We find the diversity of light-industrial, residential, institutional, commercial retail, and business office users a pleasant and productive location. It provides valuable services and diverse, friendly neighbors. Our property is bordered by the following users.

East- Jehovah Witness Fellowship Hall
North- residential single family homes
West- construction equipment rental
South- Minneapolis Transit Police

The mixed use, semi-industrial area of Minneapolis' Seward Neighborhood has strong neighborhood groups, and a very active and inclusive Seward Civic and Chamber Association. The monthly meetings are well attended, where all parties of every use, mix freely together to negotiate the opportunities and challenges of the thriving and use-diverse neighborhood. This user diversity creates a palpable vibrancy, making it very desirable for residents and commercial users alike. This appeal can be measured by a check of property values in the area (all users).

More importantly, I suspect that you will find that younger home-dwellers and employees are attracted to more eclectic districts because it creates its own neighborhood energy. This should be a major consideration for the light-rail corridor, as ridership for the new light-rail system will be skewing to a younger metro resident.

There is an abundance of "homogenized" industrial zones in the metro. (Let them beat each other's brains out). Saint Paul Districts should be able to offer diversity and flexibility as a marketable difference. I am aware of the Saint Anthony Park Council's position on the proposed amendments. In reviewing them, I find it a thoughtful, effective argument to support a lively, thriving, desirable, mixed-use industrial district, one which At Last! Gourmet Foods would find most desirable as a future development site.

J. Kurt Schreck
Chief Operating Officer

At Last! Gourmet Foods
 2101 East 24th
 Street
 Minneapolis, MN 55404

612.724.1634 Plant
 507.398.6513 Cell

Check us out on the web:

www.atlastgourmetfoods.com

Allan Torstenson - Concerns about Zoning for Schools

From: Kevin Ward <kevin@avalonschool.org>
To: <allan.torstenson@ci.stpaul.mn.us>
Date: 5/4/2012 1:31 PM
Subject: Concerns about Zoning for Schools
CC: Amy Sparks <amy@sapcc.org>

May 4, 2012

Mr. Torstenson:

My name is Kevin Ward, and I work at Avalon School, a charter school in the Saint Anthony Park neighborhood of St. Paul. I was given your name by Amy Sparks of the Saint Anthony Park Community Council as someone with whom I could share my thoughts about prohibiting schools from opening in industrial zones.

Such an action would affect schools like High School for the Recording Arts that might choose to expand in the future, and yet such an action further impedes the efforts of people looking to start schools in an urban setting.

It is difficult enough these days to start a school -- what with bureaucratic red tape from the state and added expectations from a school's authorizer. To top it off, this is the mother of all obstacles: making it more difficult for a school to find an appropriate building that meets financial, pedagogical, and building safety needs of a new school. Why make it harder?

No building. No school. It is not as if people starting schools have numerous options. It is not as if affordable choices along transportation lines are plentiful.

In order to support real school choice for families, the city needs to offer school choice for groups of people trying to start those schools.

I appreciate your willingness to listen to my concerns on this matter.

Sincerely, Kevin Ward
Hamline-Midway resident